The City Council of the City of Raleigh met in regular session on Tuesday, February 15, 1983 at 1:00 p.m. in the City Council Chambers of the Municipal Building with the following present:

Mayor York, Presiding
Ms. Babb
Mr. Calloway
Mr. Edwards
Mr. Jordan
Mr. Keller
Mr. Walters
Mr. Upchurch (Part of the Meeting)

Mayor York called the meeting to order and an invocation was given by the Reverend Lee McIntrye, retired Baptist Minister, after which the following matters were discussed with action taken as shown:

RECOGNITION OF SPECIAL AWARDS

PROCLAMATION - STUDENT GOVERNMENT DAY - PRESENTED

Mayor York read a proclamation proclaiming Friday, February 25, 1983 as Student Government Day in the City of Raleigh. The proclamation was presented to the Student Mayor - Marcella Taylor. Ms. Taylor in accepting the proclamation expressed appreciation to the City Council and City Administration for their continued support and participation in the program and to the City Council for their support of the Youth Council Organization.

CERTIFICATES OF APPOINTMENTS - PRESENTED

Mayor York explained the presentation of Certificates of Appointments to various Committees, Commissions and Board members and made the following presentations:

Appearance Commission - Betsy Anne Bradshaw; Civil Service Commission - Clyde Holt, III; Electrical Examining Board - Micky Stout; Greenway Commission - Ted Dossett, Phillip J. Hinton, Elizabeth Thompson and Stanley N. Williams; Human Resources and Relations Advisory Committee - Grover D. Bland, Frank Brooks and Norman C. Camp, III; Mayor's Committee on Services to the Handicapped - John C. Brooks, Rachel Brown, Ben Eason and Mrs. Harold High.

When the Mayor presented the Certificate of Appointment to Clyde Holt of the Civil Service Commission, Mr. Holt presented Council members with a status report on the work of the Civil Service Commission since his appointment. He made the presentation without comment and copies were given to the Council Members for their information.

CONTRIBUTION - COMMUNITY UNITED CHURCH OF CHRIST - NOTED

Mayor York indicated the Community United Church of Christ has presented the City of Raleigh with a check in the amount of $250 expressing the gratitude of their congregation for services which the City makes available to them. He indicated the Minister's letter stated it was a token amount in lieu of taxes and a symbol of their appreciation for the services and the work of the City of Raleigh. Mayor York expressed appreciation for this contribution.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS AMENDED

Mayor York presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. Mayor York indicated the vote on the Consent Agenda would be a roll call vote. Mayor York explained the City Manager had indicated there was a problem WITH THE PRIVILEGE LICENSE APPLICATION FOR THE YWCA ON EAST HARGETT STREET, THEREFORE IT SHOULD BE REMOVED FROM THE CONSENT AGENDA. Mayor York REQUESTED THAT THE TRANSFER RELATING TO THE METHODIST HOME PROPERTY BE WITHDRAWN. Mr. Edwards indicated PU 1983-2 is an item which his company is involved in, therefore he would like to be excused from participation on this matter. Without objection the item were withdrawn from the Consent Agenda and MR. EDWARDS WAS EXCUSED FROM PARTICIPATION ON PU 1983-2. Mr. Upchurch MOVED THAT ADMINISTRATION'S RECOMMENDATION ON THE REMAINING ITEMS ON THE CONSENT AGENDA BE UPHELD. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

The items on the Consent Agenda were as follows:

PRIVILEGE LICENSES - VARIOUS LOCATIONS - APPROVED

The Consent Agenda presented the following applications for privilege licenses with it being reported THAT THE POLICE, BUILDING, AND/OR ZONING INSPECTIONS REPORT INDICATE APPROVAL.

Scorpio's, 2404 Old Wake Forest Road in the name of the Manager, David Kim Marshall - dance hall, private club with live entertainment, classified as a class two entertainment center.

The Executive Suite, 315 Tryon Hills Shopping Center in the name of the owner William James Walton - dance hall, public club with live entertainment, classified as a class two entertainment center.

YWCA, 1601 Hillsborough Street in the name of the General Director, Donald M. Cheek - massage business.

Masseuse Licenses, doing business at YMCA, 1601 Hillsborough Street - Herman Dunn, Jr., Frank Dunn, Andrew William Fellers, Percy Lee Arthur Foxwell, Sr., Benjamin F. Johnson, and Carl Earl Jones.

YWCA - 1012 Oberlin Road - Massage Business with the Executive Director Patricia Ann Nicholas making the application.

Consent Agenda approval: Upchurch/Calloway - 8 ayes.

SLUDGE APPLICATION AGREEMENT - PRIVATE FARM LAND - MAYOR AUTHORIZED TO SUBMIT

The City has a signed agreement from John Hopkins for the application of the digested sludge on his pasture and farm land. This is the second application for sludge on private farm land and the agreement was prepared by the Public Utilities Department and has been reviewed by the City Attorney's office and is acceptable in form. Administration RECOMMENDS THAT THE COUNCIL AUTHORIZE THE MAYOR TO SIGN THIS AGREEMENT SO THAT IT CAN BE SUBMITTED TO THE N.C. DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT FOR A PERMIT AMENDMENT. Consent Agenda approval: Upchurch/Calloway - 8 ayes.

CAMP DURANT DAMS - ENGINEERING AGREEMENT WITH SOIL AND MATERIAL ENGINEERS, INC. - APPROVED - FUNDS APPROPRIATED

The City Council at their meeting held on January 18, 1983 approved the selection of Soil and Material Engineers, Inc., for the work to be done at the Camp Durant dams, pending a satisfactory agreement with the firm. The agreement is to investigate both dams at Camp Durant, evaluate all items addressed by the State inspection, prepare remedial plans and bid documents, and handle bid openings and regular inspections of construction work. The Parks and Recreation Department has negotiated the agreement for a fee in the amount of $9,274 ($8,004 for basic agreement fee, $1,270 for Contingency fee for potential extra work pending Council approval). The Agenda outlined the Capital Project Budgetary Action that would be needed if the contract is approved. ADMINISTRATION RECOMMENDS APPROVAL OF THE AGREEMENT AND ESTABLISHMENT OF THE CAPITAL PROJECT BUDGETARY ACTION AS OUTLINED ON THE AGENDA. Consent Agenda approval: Upchurch/Calloway - 8 ayes. See Resolution 162 TF 29.

RALEIGH/DURHAM AIRPORT AUTHORITY - SALE OF LAND - CITY COUNCIL CONCURS

The Airport Authority is in the process of disposing of houses which are on property needed for the airport expansion. In conjunction with this effort, they propose to sell one house and lot, and have received bids for this property. Council Members received background information in their Agenda packet on this item. THE AIRPORT AUTHORITY REQUESTS THAT THE CITY COUNCIL APPROVE THE SALE OF THE "PARSONAGE" PROPERTY UNDER THE TERMS AND CONDITIONS SET BY THE AUTHORITY AND THAT THE MAYOR BE AUTHORIZED TO EXECUTE THE DEED ON BEHALF OF THE CITY OF RALEIGH. Consent Agenda approval: Upchurch/Calloway - 8 ayes.

MUNICIPAL AGREEMENT WITH N.C. DEPARTMENT OF TRANSPORTATION - NORTH BOULEVARD WIDENING - APPROVED - RESOLUTION ADOPTED

The North Carolina Department of Transportation plans to undertake a project which will involve modifications to the southbound lanes of North Boulevard and Yonkers Road and Fenton Street. The project will result in an additional traffic lane for North Boulevard from the Beltline to Fenton Street, and a six lane through traffic cross section in the Farmer's Market area which presently has four lanes. The proposed agreement does not require funding support by the City except for normal operating cost and relocation of applicable utilities. Administration RECOMMENDS THAT THE CITY COUNCIL APPROVE THE MUNICIPAL AGREEMENT AND AUTHORIZE THE MAYOR TO EXECUTE THE DOCUMENT ON BEHALF OF THE CITY OF RALEIGH. Consent Agenda approval: Upchurch/Calloway - 8 ayes.

RESOLUTION NO. (1983) 159

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL
OF THE CITY OF RALEIGH, NORTH CAROLINA

A motion was made by Councilman Upchurch and seconded by Councilman Calloway for the adoption of the following resolution, and upon being put to a vote was duly adopted:

WHEREAS, the North Carolina Department of Transportation has prepared and adopted plans to make certain street and highway improvements within this Municipality under Project 8.7340017, Wake County, said plans consisting of the improvement of US-70-401-NC 50 (North Boulevard) from Fenton Street north to Beltline.

WHEREAS, said Department of trnasportation and this Municipality propose to enter into an agreement for the above mentioned project whereby this Municipality agrees: (1) to effect the necessary adjustment of any utilities under franchise without cost to the Department of Transportation, and (2) to provide for the adjustment of any municipally owned utilities without cost to the Department of Transportation, except that said Department will reimburse this Municipality in accordance with said Department's Municipally Owned Utility Policy; and,

WHEREAS, said Department of Transportation agrees to acquire the right-of-way and construct the project in accordance with the approved project plans; and,

WHEREAS, the agreement will further provide for the establishment, maintenance, and enforcement of traffic operating controls for the regulation and movement of traffic on the project upon its completion.

NOW, THEREFORE, BE IT RESOLVED that Project 8.7340017, Wake County, is hereby formally approved by the City Council of the Municipality of Raleigh and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the agreement with the Department of Transportation.

I, Gail G. Smith, Clerk of the Municipality of Raleigh, do hereby certify that the foregoing is a true and correct copy of excerpts from the Minutes of the meeting of the City Council duly held on the 15th day of February, 1983.

WITNESS, my hand and the official seal of said Municipality on this the 18th day of February, 1983.

(SEAL)

/s/ Gail G. Smith
CLERK
MUNICIPALITY OF RALEIGH
NORTH CAROLINA

HOME AND GARDEN SHOW - AGREEMENT - AUTHORIZED

In the previous Home and Garden shows, the City has paid individual builders from the show budget for their construction of feature display units. This year, the City is working with the Home Builders Association of Raleigh and Wake County to provide the display units. The proposed agreement provides that the City will pay the Home Builders Association an amount of $30,000 from the show budget for the construction of display units. This is the same amount paid in 1982 for the provision of feature displays. Council Members received a copy of the proposed agreement in their Agenda packet. ADMINISTRATION RECOMMENDS THAT THE AGREEMENT WITH THE HOME BUILDERS ASSOCIATION OF RALEIGH AND WAKE COUNTY BE APPROVED. Consent Agenda approval: Upchurch/Calloway - 8 ayes.

CETA OJT CONTRACT MODIFICATION - TEXACO FOOD MART - APPROVED

This is a request to authorize the modification of the existing OJT contract with Texaco Food Mart. The purpose of this modification is to decrease the slot level by three, since the employer no longer needs these positions. This will decrease the $21,840 contract amount by $7,280, changing the modified contract amount to $14,560. ADMINISTRATION RECOMMENDS THAT THE CITY COUNCIL APPROVE THIS CONTRACT MODIFICATION. Consent Agenda approval: Upchurch/Calloway - 8 ayes.

RESOLUTION NO. (1983) 160 TF 27

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following funds are transferred to deobligate $21,840.00 CETA contract down to $14,560.00 by reducing three positions no longer needed:

From:	03-2-5442-100	Texaco Food Mart	$7,280.00
To:	03-2-5400-535	O. J. T. Contingency	$7,280.00

Adopted: 2/15/83

CETA OJT CONTRACT DEOBLIGATION - APPROVED

This is a request to deobligate funds which were allocated under an OJT contract (03-2-5417-100) with Waring Tax and Accounting Services. The employer has decided not to refill the vacated OJT slot. The amount of this contract to be deobligated is $1,427 for one accountant trainee. ADMINISTRATION RECOMMENDS THE CITY COUNCIL APPROVE THIS CONTRACT DEOBLIGATION. Consent Agenda approval: Upchurch/Calloway - 8 ayes.

RESOLUTION NO. (1983) 161 TF 28

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following funds are transferred to deobligate remaining unspect funds under CETA contract due to contractor deciding not to refill vacated position:

From:	03-2-5417-100	Waring Tax/Accting Svc.	$1,427.00
To:	03-2-5400-535	O. J. T. Contingency	$1,427.00

Adopted: 2/15/83

TAXICAB OWNER'S PERMIT - SAMUEL JAMES JACKSON - APPROVED ON SECOND AND FINAL READING

During the February 1, 1983 Council Meeting, an application for a taxicab owner's permit was approved on the first reading with the understanding it would be placed on this Agenda for second and final reading. ADMINISTRATION RECOMMENDS APPROVAL OF THE TAXICAB OWNER'S PERMIT - SAMUEL JAMES JACKSON, DIXON'S CAB COMPANY (NEW INDIVIDUAL OWNER'S PERMIT) ON A SECOND AND FINAL READING. Consent Agenda approval: Upchurch/Calloway - 8 ayes.

INFORMATIONAL ITEMS - RECEIVED

The Agenda indicated the Manager has approved the rent-free use of the VIP Room of the Civic Center on Friday, February 18, 1983 for the luncheon between the Wake Delegation and City Council members.

The Agenda also indicated the Assistant City Manager for Operations signed a contract with Carolina Welding Supplies on February 9, 1983 which provides training for one person. This an OJT contract and the period is for 5½ months and will have a total CETA cost of $2,272.

The Agenda indicated Council Members received in their Agenda packet a memorandum from the Parks and Recreation Director concerning the vandalism at Optimist Pool. These items were received as information without comment.

N.C. 54 ELEVATED TANK - CHANGE ORDER #1 - APPROVED ADMINISTRATIVELY

The Agenda indicated the City Manager has administratively approved Change Order #1-Hydrostorage, Inc., relating to the N.C. 54 elevated tank. The Change Order was for an addition of $350. The Agenda listed the transfers that were approved administratively. CONCURRENCE WITH THE MANAGER'S ACTIONS ON CHANGE ORDER NO.1 - HYDROSTORAGE, INC. IS RECOMMENDED. Consent Agenda approval: Upchurch/Calloway - 8 ayes.

E.M. JOHNSON, WATER PLANT EXPANSION - CHANGE ORDER F-3 - APPROVED - FUND APPROPRIATED

Change Order F-3 - Roberts Filter Manufacturing Company was presented. This change order is for an addition of $11,292 and relates to installing metering pumps for phosphate and filter aid solutions, along with instrumentation improvements to improve chemical feeding. The Agenda outlined the budget accounts that would need to be amended if the change order is approved. ADMINISTRATION RECOMMENDS APPROVAL OF THE CHANGE ORDER AND TRANSFER AS OUTLINED. Consent Agenda approval: Upchurch/Calloway - 8 ayes. See Resolution 162 TF 29.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council Members received in their Agenda packet a list of transfers which have been approved administratively according to Council procedure. CONCURRENCE WITH THE MANAGER'S ACTIONS ON THE ADMINISTRATIVE TRANSFERS IS RECOMMENDED. Conscent Agenda Approval: Upchurch/Calloway - 8 ayes.

FROM	TO	AMOUNT
06-2-7050-741	06-2-7050-708	$ 100.00
19-2-8040-534	19-2-8040-600	300.00
02-2-4370-231		93.33
02-2-4370-260	02-2-4370-228	234.77
01-2-6010-662	01-2-6010-600	42.00
01-2-1090-260	01-2-1090-705	14.41
01-2-4020-221	01-2-4040-728	1.60
06-2-7100-002		151.14
	06-2-7010-213	64.63
	06-2-7090-706	1.83
	06-2-7040-710	84.68
01-2-4110-257	01-2-4130-263	1.70
01-2-1030-226		19.00
01-2-1030-260		350.00
	01-2-1030-277	369.00
84-2-1330-000	84-2-1330-101	350.00

TRANSFERS - WITHIN VARIOUS ACCOUNTS - RESOLUTION ADOPTED

The Agenda presented transfers within various accounts for reasons as set out in the Agenda. ADMINISTRATION RECOMMENDS APPROVAL OF THE TRANSFERS AS OUTLINED ON THE AGENDA. Consent Agenda approval: Upchurch/Calloway - 8 ayes.

RESOLUTION NO. (1983) 162 TF 29

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 29, 1982, and included in the budget for the fiscal year ending June 30, 1983, be transferred from one account as permitted and authorized by the General Statutes of Nort Carolina, NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From: 84-2-1060-000	E. M. Johnson Expansion	$ 11,292.00
To: 84-2-1060-501	E. M. Johnson Filter Construction	11,292.00
Purpose: Change Order - E. M. Johnson Water Plant Expansion - Roberts Filter Manufacturing Company - #F-3.		
From: 3702-1125-100	Camp Durant I	$ 9,274.00
To: 37-2-1125-107	Camp Durant Dam B	9,274.00
Purpose: To establish account for engineering services for design investigation of earth dams in Camp Durant.		
From: 35-2-4000-100	Wake Forest Road Widening	$ 20,000.00
To: 35-2-4000-103	Wake Forest Road R/W	20,000.00
Purpose: Setting up account for acquisition of R/W for Wake Forest Road Widening Project.		
From: 43-2-4050-100	ED Acquisition	$ 76,000.00
To: 43-2-4050-105	ED Market Plaza Imp.	76,000.00
Purpose: To provide funds for the Market Plaza Associates Improvements.		
From: 01-2-4020-243	Clothing Allowance	$ 11,500.00
To: 01-2-4040-265	Other Services	11,500.00
Purpose: To cover unanticipated undercover narcotic operations.		
From: 01-3-3100-120	Surplus Reserve Narcotic. Oper.	$ 6,900.00
From: 01-2-4040-243	Clothing Allowance	1,195.00
From: 01-2-4020-243	Clothing Allowance	2,145.00
To: 01-2-4040-265	Other Services	$ 10,240.00
Purpose: To cover unanticipated undercover narcotic operations.		
From: 01-2-1040-217	Umbrella Lia. Policy	$ 3,200.00
To: 01-2-1040-296	Floater Policy	3,200.00
Purpose: To supplement account to pay insurance premium for new items added to the All-Risk policy.		
From: 81-2-1000-300	Reserve for Council	$ 79,000.00
From: 85-2-1080-000	NRWWTP - Expansion	6,810,277.00
To: 81-2-1080-102	NRWWTP - Exp. - Engineering	79,000.00
To: 85-2-1080-101	NRWWTP - Exp. - General	6,216,700.00
To: 85-2-1080-201	NRWWTP - Exp. - Electrical	593,577.00
Purpose: To provide for award of contracts IA & IB and provide funding for testing and resident inspection.		

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From: 38-2-1000-100	Council Reserve	$ 362,515.00
To: 38-2-2010-101	Swimming Pool A, Gen.	4,178.00
To: 38-2-2010-102	Swimming Pool B, Eng.	29,708.00
To: 38-2-2010-103	Swimming Pool C, Misc.	1,000.00
To: 38-2-2010-105	Swimming Pool E, Elect.	142,435.00
To: 38-2-2010-106	Swimming Pool F, Plumb.	166,794.00
To: 38-2-2010-110	Handicapped Ramp	6,000.00
To: 38-2-2010-111	Pool Vacuum (2)	4,400.00
To: 38-2-2010-112	Pool Landscaping	8,000.00

Purpose: Swimming Pools - Bids exceed appropriations.

Adopted: 2/15/83

BID REQUEST 82-46 - POTASSIUM PERMANGANATE - BID AWARDED TO CARUS CHEMICAL COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on February 8, 1983 for approximately 100,000 pounds of permanganate with the price agreement for February through December, 1983. The result of the bid was as follows: Carus Chemical Company - $92,500; McKesson Chemical - $95,480; Jones Chemical Company - $98,980. ADMINISTRATION RECOMMENDS THE LOW BID SUBMITTED BY CARUS CHEMICAL COMPANY BE AWARDED. Consent Agenda approval: Upchurch/Calloway - 8 ayes.

P.U. 1983-2 - MANGUM PROPERTY - RESOLUTION OF INTENT ADOPTED

It is recommended that approximately 2,740 feet of 8-inch sanitary sewer main be installed within the Mangum property, located east of Duraleigh Road beginning at the southern boundary of Laurel Hills, southward with an estimated cost of $68,500 with assessment by abutting footage method. The project is requested by Twin Pines and all conditions of the contract, dated April 23, 1980, shall apply. It is suggested THAT THE CITY COUNCIL ADOPT A RESOLUTION OF INTENT TO UNDERTAKE P.U. 1983-2 AND SCHEDULE A PUBLIC HEARING FOR MARCH 15, 1983. Consent Agenda approval: Upchurch/Calloway - 8 ayes.

RESOLUTION NO. (1983) 163

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE SEWER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the sewer system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct sewer mains located and described as follows:

P.U. 1983-2 - Installation of 2,740 feet of 8-inch sanitary sewer main within the Mangum property, located east of Duraleigh Road, beginning at the southern boundary of Laurel Hills, southward 2,740 feet.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: Front footage of property abutting the extension.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 5th day of April, 1983, at 7:00 p.m., in the Council Chamber, Room 315, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: 2/15/83

END OF CONSENT AGENDA

PRIVILEGE LICENSE - YWCA - HARGETT STREET - REFERRED TO LAW AND FINANCE COMMITTEE

This was an application for a massage business license for the YWCA, 554 E. Hargett Street. The application was made by Patricia Ann Nicholas, Executive Director. City Manager Zachary indicated the Consent Agenda stated that the Fire Department/Police Department, building and zoning inspections report indicate approval. He stated however, this is incorrect in that the zoning inspector indicates that this property is improperly zoned for this business. He stated he would suggest that the item be placed in Committee to try to work with the matter or that the YWCA could seek a variance through the Board of Adjustment. Brief discussion took place and Mr. Calloway MOVED THAT THE PRIVILEGE LICENSE APPLICATION FOR THE YWCA, 554 EAST HARGETT STREET BE REFERRED TO THE LAW AND FINANCE COMMITTEE TO WORK WITH THE GROUP IN DETERMINING THE BEST DIRECTION. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

TRANSFER - METHODIST HOME PROPERTY - REFERRED TO PUBLIC WORKS COMMITTEE

The Consent Agenda had a recommended transfer in the amount of $11,739.83 relating to the Methodist Home Utilities Improvement. Mayor York indicated he had requested that this item be withdrawn from the Consent Agenda, pointing out he just questioned the amount of money as it relates to the description in the Agenda. City Manager Zachary indicated as he understands it, the money is for the necessary change over for the water and electrical services on that portion of the Methodist Home property now owned by the City of Raleigh. The Electrical Contract would be $4,175.00, CP&L - $3,931.00, Utilities - $1,418.33 with the remainder of $2,215.15 being plumbing. City Manager Zachary indicated he did not know exactly what this is, however he assumed that the property was on one meter and this just splits it up. It was agreed to hold this matter until later in the meeting to give the Manager an opportunity to further look into the matter.

Later in the meeting, City Manager Zachary indicated this was to split the meter service up and without discussion, Mayor York REQUESTED THAT THE TRANSFER OF $11,739.89 RELATING TO METHODIST HOME UTILITIES IMPROVEMENT BE REFERRED TO PUBLIC WORKS COMMITTEE. The item was so referred.

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

YORK-HANNOVER RENDERINGS - NEW CONCEPT APPROVED

Mayor York indicated representatives of York-Hannover were at the meeting and because of their time schedule, he would request that the report and recommendation of the Downtown Committee be moved up and discussed at this point. Without objection, it was agreed to move the item up on the agenda.

Brian Riley, representing York-Hannover indicated the Council would recall that last September, in accordance with the terms of the contract to purchase property from the City of Raleigh, they appeared before the Council and the Council gave approval of the architectural concept of their building for the Civic Center Plaza area. He indicated since that time, they have been fine tuning the project and have made some revisions on the rendering. Mr. Riley introduced Jordan Gruzen to explain the new concept.

Mr. Gruzen indicated we are talking about a 17 story office building that will frame the east side of the plaza area. He presented a rendering which he indicated picks up the tradition of Raleigh and picks up the red brick and the white precast stone of the CP&L building as well as the Civic Center. He explained the building would have columns projecting into the plaza area and explained how the building would have a cut through to Wilmington Street for retail, etc. Brief discussion took place on the new concept with Mayor York indicating he feels that the new concept better relates to the people and the exterior and does not create a fortress within itself. Discussion took place on the columns with Mr. Gruzen indicating the columns would have a glass or a glazed type roof to allow the light to filter in and would serve as a shelter type effect for the front of the building. Brief discussion took place as to whether there is a construction schedule to go along with the new concept with Mayor York indicating he thought the key element is the initial major tenant, indicating once they have their major tenant and the financial commitments and the UDAG for the parking facility put together, then something hopefully would move. Mayor York also indicated that York-Hannover is now calling the project be "One Hannover Square." Brief discussion took place with Mayor York indicating the Downtown Committee was recommending approval of the new concept as presented. After

brief discussion, Mr. Edwards MOVED THAT THE NEW CONCEPT FOR THE YORK-HANNOVER PROJECT AS SHOWN IN THE RENDERING LABELLED "ONE HANNOVER SQUARE," YORK-HANNOVER (RALEIGH), INCORPORATED - DEVELOPER, THE GRUZEN PARTNERSHIP, HASKINS AND RICE - ASSOCIATED ARCHITECTS BE APPROVED. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

CITY MARKET ARCADE PROJECT - MEETING ANNOUNCED

Mayor York indicated the Downtown Committee is holding a meeting on February 24, 1983 at 2:30 p.m. to receive input from the two developers who have submitted proposals for the Market/Arcade Project. He indicated this is a very important hearing and urged Council Members to attend.

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

PLANNING CONSENT AGENDA - APPROVED AS AMENDED

Mayor York presented the Planning Commission Consent Agenda indicating the Agenda will be handled in the same manner as the regular Consent Agenda. Mr. Edwards indicated his firm is involved in several of these projects. He stated they need all requirements of the ordinance, however he would request THAT HE BE EXCUSED FROM PARTICIPATION IN CR-1853(S-6-83), CR-1854(S-7-83), CR-1855(S-8-83) and CR-1856(S-9-83). Mr. Edwards indicated he would like to pull CR-1859(S-12-83) AND CR-1871(Z-8-83) FROM THE CONSENT AGENDA. Mrs. Babb requested that CR-1866(Z-4-83) BE WITHDRAWN FROM THE CONSENT AGENDA. Mr. Upchurch requested THAT CR-1869 (Waiver Two Year Waiting Period be withdrawn. Without objection, these items were removed from the Consent Agenda. Mr. Calloway MOVED THAT THE PLANNING COMMISSION'S RECOMMENDATION ON THE REMAINING ITEMS ON THE CONSENT AGENDA BE UPHELD. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

The items on the Consent Agenda were as follows:

SUBDIVISION S-4-83 - GOODE BRANCH TOWNHOUSES - APPROVED WITH CONDITIONS

This was a request for approval to construct a four-unit townhouse project on a currently undeveloped .667 acre parcel, zoned Residential-6. The property is located on the north side of Wayland Drive, just west of Ashland Street, inside the City Limits.

CR-1852 from the Planning Commission recommended that this request be approved according to a map entitled, "Goode Branch Townhouses," the property of L.O.G. and Associates, drawn by J. Fred Davis, dated January 20, 1983, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plat. Consent Agenda approval: Calloway/Edwards - 8 ayes.

SUBDIVISION S-6-83 - RALEIGH ASSOCIATIONS, INC. - APPROVED

This was a request for approval to subdivide 10.5 acres into seven (7) quadraplex lots and one (1) 7.63 acre tract, zoned Residential-10. This property is located on the northwest corner of the intersection of Brockton and Hoyle Drives, inside the City Limits.

CR-1853 from the Planning Commission recommended that this request be approved according to a map entitled, "Raleigh Associates, Inc.," the property of John A. Edwards and Company, dated January 3, 1983. Consent Agenda approval: Calloway/Edwards - 7 ayes - Edwards excused during vote on Consent Agenda.

SUBDIVISION S-7-83 - BRENTWOOD (THOMAS TRACT) ADDITION - APPROVED WITH CONDITIONS

This was a request for approval to subdivide 2.92 acres into four (4) lots, zoned Residential-10 and Industrial-1. The property is located between U.S. 1 North and Pine Knoll Drive, south of Greywood Court, inside the City Limits.

CR-1854 from the Planning Commission recommended that this request be approved according to a map entitled, "Brentwood (Thomas Tract) Addition," the property of J. R. Adams, drawn by John A. Edwards and Company, dated March 4, 1980, revised April 2, 1980, with the condition that a recombination map is recorded to eliminate 10-foot wide strips of land on each side of the proposed cul-de-sac prior to recording lots. Consent Agenda approval: Calloway/Edwards - 7 ayes. Edwards excused during vote on Consent Agenda.

SUBDIVISION S-8-53 - LINCOLN SQUARE - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 5.84 acre parcel into three (3) lots, zoned Office and Institution-1. The site is currently developed with three separate office structures. The property is located on the west side of Six Forks Road, just north of Millbrook Road, inside the City Limits.

CR-1855 from the Planning Commission recommended that the request be approved according to a map entitled, "Lincoln Square," the property of Lincoln Developers of Raleigh, Inc., drawn by John A. Edwards and Company, dated January 3, 1983, with the condition that the cross-parking and access agreements be reviewed and approved by the City Attorney's Office prior to recording the final plat. Consent Agenda approval: Calloway/Edwards - 7 ayes. Edwards excused during vote on Consent Agenda.

SUBDIVISION S-9-83 - PLEASANT RIDGE ESTATES - APPROVAL WITH CONDITIONS

This was a request for approval to subdivide 33.3 acres into 60 lots and two (2) large tracts, zoned Residential-4. This property is located at the western end of Sierra Drive between the existing Pleasant Ridge Estates and the Southern Beltline, outside the City Limits.

CR-1856 from the Planning Commission recommended that this request be approved according to a map entitled, "Pleasant Ridge Estates," the property of Eastman and Company, Inc., drawn by John A. Edwards and Company, dated January 3, 1983, with the following conditions: (1) That Lots 61 and 62 are certified by Wake County Health Department as suitable for septic tank use; and (2) that a variance be granted to Section 8-2066 to allow the use of a private septic tank on Lots 61 and 62. Consent Agenda approval: Calloway/Edwards - 7 ayes. Edwards excused during vote on Consent Agenda.

SUBDIVISION S-10-83 - PEACH CREEK - APPROVED

This was a request for approval to subdivide 12.24 acres into 20 quadraplex lots and two (2) single-family lots, zoned Residential-10 and Residential-4. This property is located on the southeast side of Lake Wheeler Road, between Evergreen Avenue and Tryon Road, outside the City Limits.

CR-1857 from the Planning Commission recommended that this request be approved according to a map entitled, "Peach Creek," the property of Hoerner and Associates, Incorporated (Leroy C. Register), drawn by Falls, Incorporated, dated January 17, 1983 and January 31, 1983. Consent Agenda approval: Calloway/Edwards - 8 ayes.

SUBDIVISION S-13-83 - CAPITAL AUTO AUCTION REVISION - APPROVED

This was a request for approval to extend Kate Court to the eastern property line. The previously approved subdivision consisted of eight (8) acres subdivided into four (4) lots, zoned Neighborhood Business. The property is located on the east side of Old Wake Forest Road, north of Ronald Drive, outside the City Limits.

CR-1860 from the Planning Commission recommended that this request be approved according to a map entitled, "Capital Auto Auction Revision," the property of Brantley Tillman, drawn by Castleberry-Edgerton Company, dated July 27, 1978, revised November 30, 1982 and December 28, 1982. Consent Agenda approval: Calloway-Edwards - 8 ayes.

SUBDIVISION - S-14-83 - EFTEKHARI AND TILLMAN PROPERTY - APPROVED WITH CONDITIONS

This was a request for approval to subdivide 21.03 acres into 19 lots and one (1) large tract, zoned Residential-6 and Office and Institution-3. The property is located east of the intersection of Old Wake Forest and Falls of Neuse Roads, outside the City Limits.

CR-1861 from the Planning Commission recommended that this request be approved according to a map entitled, "Eftekhari and Tillman Property," the property of Sadredin Eftekhari and Brantley Tillman, drawn by Castleberry-Edgerton Company, dated July 27, 1978, revised December 23, 1982 and February 1, 1983, with the condition that an easement for storm water back up at the railroad be approved by the City Conservation Engineer and recorded prior to recording lots. Consent Agenda approval: Calloway/Edwards - 8 ayes.

SUBDIVISION SC-178 - WACHOVIA BANK ADDITIONS AT CRABTREE - APPROVED

This was a request for approval to construct a 190 square foot vault addition on the existing bank. The site is a .71 acre parcel zoned Shopping Center. The site is located at the Wachovia Bank at Crabtree Valley Mall, located on Glenwood Avenue, inside the City Limits.

CR-1862 from the Planning Commission recommended that this request be approved according to a map entitled, "Wachovia Bank Additions at Crabtree," the property of Wachovia Bank & Trust, drawn by O'Brien/Atkins and Associates, undated. Consent Agenda approval: Calloway/Edwards - 8 ayes.

SUBDIVISION SC-179 - WACHOVIA BANK ADDITIONS AT EASTGATE - APPROVED

This was a request for approval to construct a 917 square foot addition to an existing bank. The Site is a .76 acre parcel zoned Shopping Center.

The site is the Wachovia Bank at Eastgate Shopping Center, located at the intersection of Falls of Neuse Road and Hardimont Drive, inside the City Limits.

CR-1863 from the Planning Commission recommended that this request be approved according to a map entitled, "Wachovia Bank Additions at Eastgate," the property of Wachovia Bank & Trust Company, drawn by O'Brien/Atkins and Associates, dated November 15, 1982. Consent Agenda approval: Calloway/Edwards - 8 ayes.

SC-182 - YMCA RENOVATIONS AND PARKING LOT - APPROVED

This was a request for approval to renovate the existing YMCA building and operate a beauty school on one floor, and to construct a 40-space parking lot on East South Street. The site is a 2.05 acre lot, zoned Shopping Center. The property is located on the block bounded by South Bloodworth, East Lenoir, South Person and East South Streets, inside the City Limits.

CR-1864 from the Planning Commission recommended that this request be approved according to a map entitled, "YMCA Renovations and Parking Lot," the property of Spaulding and Perkins, Ltd., drawn by Boisseau Design Group, dated January 15, 1983. Consent Agenda approval: Calloway/Edwards - 8 ayes.

TEXT CHANGE - TC-224 - SUBDIVISION CONSTRUCTION AND IMPROVEMENTS - APPROVED

This was a request to amend Chapter 3, "Subdivision," of Part 10 of the Raleigh City Code be amended to expedite the construction and acceptance of subdivision improvements, specifically, Section 10-3011, "Plan Approval Requirements," Section 10-3012, "Procedure for Plat Approval," and Section 10-3020, "Construction Guarantee," all proposed to be amended.

CR-1867 from the Planning Commission recommended that TC-224 be amended according to the ordinance attached to CR-1867. Consent Agenda approval: Calloway/Edwards - 8 ayes.

ORDINANCE NO. (1983) 65 TC 176

AN ORDINANCE TO AMEND THE SUBDIVISION ORDINANCE TO EXPEDITE THE CONSTRUCTION AND ACCEPTANCE OF SUBDIVISION IMPROVEMENTS

WHEREAS, Article 19 Part 2 of Chapter 160A of the General Statutes authorizes the City of Raleigh to enact subdivision regulations; and

WHEREAS, on 21 September 1982 the City Council of Raleigh, North Carolina adopted new procedures for the acceptance of subdivision improvements;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that:

Section 1. Section 10-3011(b) of the Raleigh City Code is hereby amended by deleting the period from the last sentence thereof and adding the following "and written policies which are approved by the City Council and filed with the City Clerk."

Section 2. Section 10-3012(e) of the Raleigh City Code relating to the posting of bonds, is hereby amended to delete the word "Council" on the third line and in lieu thereof the following words are inserted "City Manager or his designee."

Section 3. Section 10-3020 of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

> "The owner of a subdivision shall require the contractor constructing streets, curbs, gutters, drainage facilities, sidewalks, water and sewer lines to give bond guaranteeing the work against defects for a period of one (1) year from the date of acceptance of such construction, but if said improvements for the recorded plat are constructed at different times, then said guarantee shall continue until one year from the date of acceptance of the improvement last constructed."

Section 4. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 5. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commisssion following a recommendation of the Planning Commission.

Section 6. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 7. This ordinance shall be enforced as provided in N.C.G.S. 160A-175.

Section 8. This ordinance shall become effective upon its adoption.

Section 9. This ordinance has been filed with the Wake County Register of Deeds as required by law.

Adopted: 2/15/83

ZONING - REQUEST FOR WAIVER OF WAITING PERIOD (Z-7-83) - APPROVED

This was a request for the two-year zoning waiting period on Z-7-83 be waived.

CR-1870 from the Planning Commission recommended that the request for waiver of the two-year zoning waiting period on Z-7-83 be approved according to the letter and map attached to CR-1870. Consent Agenda approval: Calloway/Edwards - 8 ayes.

END OF THE PLANNING COMMISSION AGENDA

SUBDIVISION S-12-83 - WOODFOREST II TOWNHOUSES - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to construct a 6 unit townhouse project on a currently undeveloped 1.13 acre parcel zoned Residential-6. The property is located at the intersection of Oxford Road, Kenmore Road and Beach Ridge Road inside the City limits. Chairman Graham presented CR-1855 from the Planning Commission which recommended that the request be approved according to a map entitled "Woodforest II Townhouses" the property of Joe L. Caudell, drawn by Bass, Nixon and Kennedy dated January 21, 1983 with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's office prior to recording the final plat. Mr. Edwards indicated he requested that this be withdrawn from the Consent Agenda indicating it is a plan approval for six units to be built. He stated there have been several questions about the capacity of the sanitary sewer, the floodplain, etc. He stated he feels these questions warrant further study, therefore he would like to refer this matter to a committee with the understanding it would be reported back at the next meeting. Mr. Edwards moved THAT SUBDIVISION S-12-83 - WOODFOREST II TOWNHOUSES BE REFERRED TO THE PUBLIC WORKS COMMITTEE. His motion was seconded by Ms. Babb. Mr. Walters indicated he had received a petition which was signed by 240 citizens that do have concerns about this case. Mr. Upchurch indicated he had a number of phone calls. After brief discussion, the motion as stated was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

PLANNING COMMISSION CONSENT AGENDA - COMMENTS RECEIVED

Mayor York indicated after reading the Planning Commission Minutes, he realized that the Planning Commission had a consent agenda as well as having a consent agenda recommendation. He indicated he had thought that if an item was on the Planning Commission Consent Agenda, it meant that they had discussed it thoroughly and their vote was unanimous. However, after studying the minutes further, he realized that if it is on the Planning Commission Consent Agenda and gets a unanimous vote, it comes back to the City Council on the Consent Agenda and the item has never been discussed. Mr. Walters indicated this concerned him also. Mayor York indicated in reading the last Planning Commission minutes, he could not determine where the Planning Commission Consent Agenda had ended. The comments were received.

REZONING Z-4-83 - MID-PINES ROAD - REFERRED TO COMPREHENSIVE PLANNING COMMITTEE

This was a request for approval to rezone approximately 14.2 acres from Residential-1 and Agricultural Productive to Residential-6, according to the boundary survey drawn by McNeil and Associates and dated October 27, 1982. Chairman Graham presented CR-1866 from the Planning Commission which recommended that this case be denied without prejudice.

Brief discussion took place and Ms. Babb indicated there seems to be some concern about the changing conditions in this area and she feels that this request should be discussed further, therefore she would move THAT REZONING Z-4-83 BE REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE. Without objection, the item was so referred.

ZONING WAITING PERIOD - REQUEST FOR WAIVER ON Z-18-82 - WAIVER GRANTED

This was a request that the two-year zoning waiting period on Rezoning Application Z-18-82 be waived. Chairman Graham presented CR-1869 in which THE PLANNING COMMISSION RECOMMENDS THAT THE REQUEST FOR THE WAIVER OF THE TWO-YEAR WAITING ZONING PERIOD BE APPROVED ACCORDING TO THE PETITION ATTACHED TO CR-1869. Mr. Upchurch requested that this item be withdrawn. He stated this certified recommendation says that change in the neighborhood composition and sentiment in this case is reason for the waiver of the two-year waiting period. He indicated there had been some comments about the change of ownership and he is not sure what the rezoning request will be for. He stated he did not feel that there is adequate parking for buffer/commercial and he is just not sure what this request is all about. Attorney Clyde Holt explained the request for a waiver, after which Mr. Jordan moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Walters. Mr.

Walters indicated the neighborhood was very concerned about this case originally but there have been some changes and he is not aware of any person in the neighborhood objecting to the latest request. Mr. Upchurch indicated he feels that it is very wrong when we cut this thing this thin as it will come back to the Council in other cases. He stated he just does not see the change in ownership as a change in conditions. Mr. Walters indicated he supports the Planning Commissions recommendation as he does not agree with the two-year waiting period on any case. The motion was stated was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REZONING Z-8-83 - LAKE BOONE TRAIL - REFERRED TO THE PUBLIC WORKS COMMITTEE

This was a request for approval to rezone approximately 42 acres from Residential-6 to Residential-10 (38 acres) and Office and Institution-I (4 acres which are located on the southeast corner of Lake Boone Trail and Horton Street). Chairman Graham presented CR-1871 in which the Planning Commission recommends that this case be denied without prejudice.

Mr. Edwards indicated he had requested that this item be withdrawn from the Consent Agenda, pointing out the reason for denial without prejudice was a procedural problem. He asked for the City Attorney's opinion in this matter. City Attorney McCormick indicated he feels that the Council could act on this matter. He stated the procedural problem involved the fact that two of the families that were required to receive notices of the rezoning application did not receive notice. He stated however, one family was present at the hearing and it is a known fact that the other family knew of the hearing. He stated probably the very safest course to follow would be to re-advertise, but he feels that the Council could act on this case and feel safe as there is proof that everyone knew of the hearing even though they may not have received the written notice. Mr. Edwards indicated he would like to put this case in Committee, but he did not want to deny the petitioners the right to come back in with another rezoning petition by the end of the month. He stated he feels that possibly this petition can be amended and the case acted on. He stated there are some flood plain delineation problems, but he feels the petition can be acted on. After brief discussion Mr. Edwards MOVED THAT REZONING Z-8-83 BE REFERRED TO THE PUBLIC WORKS COMMITTEE. His motion was seconded by Mr. Upchurch. Mr. Keller stated he would go along with this, but pointed out this is just not a clear cut question. He stated as long as there is any question, he feels we should go back and start over. He stated he personally would prefer to uphold the Planning Commission. Discussion took place with the City Attorney indicating we do have a technical failure to comply with the ordinance which requires us to notify adjacent property owners but these people in fact knew of the hearing and one actually attended the hearing. He stated he feels that whatever action the Council takes could be successfully defended. After brief discussion on the zoning case, and the technical problems, the motion was put to a vote which resulted in all members voting in the affirmative except Mr. Keller who voted in the negative. THE MAYOR RULED THE MOTION ADOPTED.

REZONING Z-2-83 - FAYETTEVILLE ROAD - REFERRED TO THE PUBLIC WORKS COMMITTEE

This was a request for approval to rezone approximately 14 acres from Residential-6 to Industrial-II. Chairman Graham presented CR-1865 in which the Planning Commission recommends that the request be approved as amended; that is, that a 25 foot conservation/buffer district be placed along the entire length of Fayetteville Road within this request and along the north property line within the request and that the remainder of the property be rezoned to Industrial-II as requested. Planning Director Chapman explained the location and the recommendation of the Planning Commission. Mr. Jordan moved that the property be rezoned to Industrial-II with a 5 foot conservation/buffer in the same location as recommended by the Plannning Commission. His motion was seconded by Mr. Edwards. Mr. Calloway indicated that this property is adjacent to residential and he does not feel that we should lessen the conservation/buffer. Mr. Jordan indicated a 25 foot conservation/buffer will do no more than a 5 foot conservation/buffer. He stated the conservation/buffer is to show the Council's intent of ending the nonresidential zoning. Mr. Edwards pointed out if the property owner penetrates the buffer it would take site plan approval and he feels a 5 foot conservation/buffer will do as much as a 25 foot one would do. Mr. Walters pointed out the conservation/buffer is a misnomer as a conservation/buffer could be completely stripped of trees or whatever. He indicated there is a lot of city owned property in this area and a great deal of activity is taking place in this area. Mr. Calloway pointed out however there are homes and he feels that the 25 foot conservation/ buffer is needed. Mr. Keller indicated he understood the technicality and the fact that a 5 foot conservation/buffer would fill that technicality, but pointed out he is concerned about the feelings of the people involved. He stated the people were very unhappy with this, but they realize that the 25 foot conservation/buffer and its intent and they agreed to it, but he just cannot agree with reducing it. Mr. Walters stated that the people who are concerned with this case are not the adjacent property owners. Mr. Edwards questioned the setback for Industrial-II with it being pointed out there is no setback. Mr. Edwards indicated he was confused and thought that there was a setback, therefore he would make a substitute motion THAT REZONING Z-8-83 BE REFERRED TO PUBLIC WORKS COMMITTEE FOR STUDY. His substitute motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative except Mr. Calloway who voted in the negative. THE MAYOR RULED THE MOTION ADOPTED.

TEXT CHANGE 228 - TELECOMMUNICATIONS FACILITIES - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to amend Section 10-2073(c) by adding a new section to permit in Agricultural Productive, Residential-1 through Residential-30, Office and Institution-I, II and III, Buffer/Commercial, Shopping Center and Neighborhood Business districts, microwave tunners, including relay stations for Telecommunication Operations such as cable television, radio telephones, radio and television stations, under certain conditions, and after approval by the Board of Adjustment; and found in Section 10-2064(b)(1)a to delete outdoor radio and television towers. Chairman Graham presented CR-1868 in which the Planning Commission recommends that the text change be approved as amended in the ordinance attached to CR-1868. Mayor York indicated in reading over the ordinance, he had some concerns mainly relating to item No. 9. Mr. Graham explained the Planning Commission's reasons and discussion. Mayor York indicated he would venture to say that in many subdivisions, that the density is actually less than one unit per acre. Discussion took place on the proposal, the intent of the ordinance and the need for clarification after which BY GENERAL CONSENSUS, TC-228 - TELECOMMUNICATION FACILITIES WAS REFERRED TO THE PUBLIC WORKS COMMITTEE.

REZONING Z-17-83 - SIX FORKS ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 7 acres from Residential-4 to Office and Institution-III. Chairman Graham presented CR-1872 in which THE PLANNING COMMISSION RECOMMENDED THAT Z-17-83 BE APPROVED AS REQUESTED. Chairman Graham explained the request and after brief discussion Mr. Jordan moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 66 ZC 15.

PLANNING COMMISSION MINUTES AND AGENDA ITEMS - COMMENTS RECEIVED

Mayor York indicated in the Planning Commission report on the Agenda on items relating to request for waiver of the two-year waiving period, that it has the case number but does not show the location. He indicated he would be helpful if the Agenda included the location. Brief discussion took place and the comments were received and referred to the Planning Commission.

COMMITTEES, COMMISSIONS AND BOARDS

FAIR HOUSING HEARING BOARD - NOMINATIONS MADE

The City Clerk reported the terms of Margaret Winter and Jack Andrews expire March 17 and she had previously reported that neither were eligible for reappointment because of length of service. She indicated during the last meeting she was asked to recheck this. The Clerk reported both Ms. Winter and Mr. Andrews have served since January 19, 1977. When their term expires on March 17, 1983 they will have served 6 years and two months. The Council has indicated that when a term expires, if a person could not be reappointed for a full two-year term without going over the eight years of service, then they would not be eligible for reappointment. If Ms. Winter or Mr. Andrews were appointed for a two-year term effective March 18, 1983 it would give them a tenure of 8 years and two months. The City Clerk reported the term of Frank Roberts also expires on March 17 and he has been nominated for reappointment. The Council has three vacancies and one nominee. Mr. Keller nominated Mr. Thomas L. Hall. Mr. Edwards nominated Dr. James Colson. No further action was taken.

YOUTH COUNCIL ADVISORY BOARD - NO ACTION TAKEN

The City Clerk reported one vacancy due to the resignation of Steve Rea. No nominations have been made. No action was taken.

RALEIGH HOUSING AUTHORITY - WILLIAM DeBRITO REAPPOINTED

The City Clerk reported the term of William DeBrito expires April 4, 1983 and he has been nominated for reappointment and nominations have not closed. There being no further nominations, Mr. Upchurch MOVED THAT NOMINATIONS TO THE RALEIGH HOUSING AUTHORITY BE CLOSED AND MR. DeBRITO APPOINTED BY ACCLAMATION. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

APPEARANCE COMMISSION - NOMINATIONS MADE

The City Clerk reported the term of Randolph Cloud expires on April 21, 1983. He is eligible for reappointment but the Clerk reported she had been advised that because of other commitments he does not wish to be reappointed. Mr. Walters nominated Jerry Traub, 212 Lafayette Road. No other action was taken.

HUMAN RESOURCES AND RELATIONS ADVISORY BOARD - NOMINATIONS MADE

It was reported the term of Peter Rumsey expires April 21, 1983 and he is eligible for reappointment. Mr. Edwards nominated Mr. Rumsey. No further action was taken.

ARTS COMMISSION - NOMINATIONS MADE

The City Clerk indicated she had received a letter of resignation from Claire R. Shaffner of the Arts Commission. She indicated that the letter of resignation indicated working responsibilities have greatly increased which makes it impossible to attend the meeting. Mr. Upchurch nominated Barbara Riley.

HOUSING COMMITTEE - TO BE PLACED ON CLERK'S MEMO; ADMINISTRATION TO GIVE RECOMMENDATION

Mayor York indicated regarding the Housing Committee that the Council has agreed to establish he would make the following suggestions: Purpose - this Committee is the private sector committee recommended in the Zogry Report. Their primary purpose will be to make recommendations regarding housing in two categories: low income housing and downtown housing. Their recommendation should include suggestions on financing, land acquisition, regulations, the role of DHIC, Neighborhood Action, and other items related to this important subject. At the first meeting, a very specific charge to the Committee will be made. This Committee should make its report by July 1, 1983. He stated as far as organization is concerned, that as the Council would recall, the public role in housing has been referred to the Law and Finance Committee. Mayor York's memo suggested that this new housing committee make its report to the Council through the Law and Finance Committee and in this manner, the staff function and division of work topics can be coordinated. The chairperson of the Housing Committee should attend Law and Finance Committee meetings when the subject of housing is scheduled. As far as membership is concerned, he would recommend a nine person committee as follows: Home Builders' Association representative*, bank representative, savings and loan representative, DHIC representative (staff or board members)*, CAC representative*, Downtown Development Corporation (staff or board member)*, Raleigh Housing Authority (staff or board member)*, two citizens at-large, one which could be Arnold Zogry. Mayor York indicated his suggestion would be that we write organizations noted with an asterik and ask for a representative and the Council could approve each representative and he would make suggestions for the other slots subject to Council approval and he would recommend a chairperson for the Council approval.

Mr. Calloway questioned if Mr. Zogry could serve as an advisor or consultant and maybe have two citizens at-large with Mayor York indicating this is a possibility. He stated however he did not know his fee schedule or how this would be worked out. Mr. Walters indicated we would need a staff person assigned to this Committee and that could be a city staff person or we could contract with Mr. Zogry. Mayor York indicated if the item is referred to Law and Finance Committee as he has suggested, that he would assume that Mr. Yates would be the staff person to work with the Committee. He stated maybe THE CITY MANAGER COULD LOOK AT HIS SUGGESTIONS AND MAKE A RECOMMENDATION BACK TO THE COUNCIL. He stated he did not want the private sector committee's work to be contradictory to what the Law and Finance Committee recommendation would be. Brief discussion took place and it was agreed that the clerk would place the Mayor's suggestion on the formation of the Housing Committee on her memo for the next meeting and the City Manager could give a report as it relates to staffing.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

SWIMMING POOL - BID AWARDED TO CLANCY AND THEYS, CROCKER ELECTRIC COMPANY AND AAA ELECTRIC COMPANY; FUNDS APPROPRIATED; ISSUE FOR FUNDING OF THE TOTAL SIX POOLS AND SELECTION PROCESS - REFERRED TO THE LAW AND FINANCE COMMITTEE; LETTER OF INTENT TO SIGN CONTRACT AUTHORIZED

Mr. Jordan indicated the Law and Finance Committee recommends awarding a contract for two pools to the lowest responsible bidders for items included in the base bid and the following alternative: 8, 9, 12 and 15. Therefore the Committee would be recommending that THE CITY AWARD THE BIDS FOR CONSTRUCTING A SWIMMING POOL AT THE MARTIN MIDDLE SCHOOL AND BILTMORE HILLS SITE AS FOLLOWS:

GENERAL CONTRACT - CLANCY AND THEYS CONSTRUCTION COMPANY - BASE BID PLUS ALTERNATES 8, 9 AND 12 - $940,699.00

ELECTRICAL CONTRACT - CROCKER ELECTRICAL COMPANY - BASE BID AND ALTERNATE 9 - $142,435.00

PLUMBING CONTRACT - AAA ELECTRIC COMPANY - BASE BID ALTERNATE 15 - $166,794.00

Mr. Jordan indicated in addition, the engineering and miscellaneous cost of $94,186.00 would be as follows: Engineering fee - $89,683, extra services - $1,700, soil testing - $1,803, Miscellaneous $1,000. Also the Committee would recommend that the following items be separately or acquired: handicapped access ramps, vacuum pool cleaners (1), landscaping for a total separate estimate cost of $18,400.00. Mr. Jordan also presented a transfer of funds which show a total appropriation for two pools of $1,362,515. He indicated this would construct an L-shaped pool without a diving barrier of gunite construction. On behalf of the Law and Finance Committee MR. JORDAN MOVED THE RECOMMENDATIONS AS OUTLINED ABOVE BE UPHELD. His motion was seconded by Mr. Calloway and roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

Mr. Walters questioned the source of funds for the overrun. He stated in his opinion, the City Council is committed to building six pools and he feels that we must find another source of funds other than bond money or we would not be able to build the six pools. He explained one of the first of the two pools scheduled to be built as a result of the bond referendum was to be located in the vicinity of Enloe High School. He explained there was very little opportunity for neighborhood involvement in the location of this pool and it seems to have been decided that the pool would be located a Lyons Park, a regional park. He stated there was concern that it would be more prudent to delay the construction of that pool until the second year so that there could be adequate study of the site. Thus it was agreed to proceed with the construction of the Biltmore pool and delay one year of the construction of the Enloe area pool. He explained that there was opposition to Lyons Park because it is not a neighborhood park, and in fact, there is no neighborhood park in east Raleigh, even though land has been reserved for Lockwood Park in east Raleigh for many years. He stated Lyons is not in the Enloe High area and not convenient for use in conjunction with the Enloe aquatic program, and other locations for this pool site has not bee adequately examined. He indicated for the past several months he had met with members of the community, school, staff and school board and members of the East CAC about the site location about the pool. He indicated there would be a meeting of the Enloe Advisory Council on February 16 to discuss the pool. He stated the location of the east Raleigh pool would also be the subject of discussion of the East CAC on March 9, and it is his plan to bring a firm recommendation to the City Council on March 15 with the hope that the Council can approve the site by April and engineering for the project can proceed soon thereafter. He stated he is just concerned that if we don't talk about the cost overrun now, that we would not build the six pools. Mayor York indicated the City is committed to the six pools. Mr. Jordan moved THAT WE REFER THE ISSUE FOR FUNDING OF THE SIX POOLS TO LAW AND FINANCE COMMITTEE. His motion was seconded by Mr. Calloway. Mr. Keller indicated he felt that we need to address the issue of funding the pools as it is easy to say let's wait until the next pool to decide where the money will come from. Lengthy discussion took place on how the six pools would be funded, the commitment to the public, etc., after which Mr. Jordan amended his motion TO MAKE A STATEMENT THAT THE CITY COUNCIL IS COMMITTED TO BUILDING SIX POOLS IN THE CITY OF RALEIGH AND TO REFER THE ISSUE FOR FUNDING OF THE SIX POOLS TO LAW AND FINANCE COMMITTEE. After lengthy discussion, the motion as amended was put to a vote and passed with all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

Other discussion then took place relative to the cost of moving the swimming pool from one site to another site on the Martin Middle School property took place with Mr. Mier indicating he did have a figure in his information which indicated the total cost of the site preparation whether it be on one side of the Martin School property or on the other side with Mr. Edwards indicating as he understands it, the cost of moving the site on the Martin Middle School is almost negligible. Mayor York indicated there was some expensive site work for the Martin Middle School property but the location of the pool on that site, whether it be on one side or the other did not make that much difference. Mr. Mier also pointed out the information was for both pools, pointing out both sites had some difficult problems.

Mr. Walters referred to his memo dated February 15, 1983 about the swimming pools and indicated HE WOULD MOVE THAT THE LAW AND FINANCE COMMITTEE BEGIN IMMEDIATELY ON THE SELECTION PROCESS FOR THE NEXT TWO POOLS AND MONITOR THE CONSTRUCTION OF THE TWO POOLS ON WHICH THE CONTRACTS WERE AWARDED AS THE WORK PROCEEDS. His motion was seconded by Mr. Upchurch and passed unanimously.

Mr. Meir questioned if he could have a letter of intent to sign the contract so the contractors could start to work. Brief discussion took place about how long it would take to get the actual contract documents after which, by general consensus, the COUNCIL REQUESTED MR. MIER TO EXPEDITE THE CONTRACTS AS SOON AS POSSIBLE, BUT AUTHORIZE ADMINISTRATION TO ISSUE A LETTER OF INTENT IF NECESSARY.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

TOWING CONTRACT - REINSTATEMENT OF DUNN'S WRECKER SERVICE - REFERRED TO ADMINISTRATION

Chairman Edwards reported the Public Works Committee RECOMMENDS THAT THIS ITEM BE REFERRED TO ADMINISTRATION TO DETERMINE IF THE EQUIPMENT OWNED BY DUNN WRECKER SERVICE MEETS STANDARDS AS OUTLINED IN THE CITY CONTRACT PRIOR TO PLACING THIS FIRM BACK ON THE CALL ROTATION FOR WRECKER SERVICE. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE MUNICIPAL BUILDING COMMITTEE

THE CITY COUNCIL TOOK A 15 MINUTE RECESS AT 2:35 P.M.

REPORT OF THE MUNICIPAL BUILDING COMMITTEE

PARKING DECK - ARCHITECT AUTHORIZED TO PROCEED

Chairman Edwards reported the Municipal Building Committee recommends that the architect for the Municipal Building Parking Deck, F. Carter Williams, be authorized to proceed with the schematic designs for a four level deck with bids to be taken for three levels and an alternate bid for the fourth level. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Ms. Babb. Mayor York questioned if the deck will be designed for four levels even though we may only build three at this time with Mr. Edwards indicating that is correct. That the building would be designed for four levels and the Council would take as base bid 3 levels and an alternative for the fourth at this time or to be built later. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

PARKING DECK - SOIL BORINGS - AUTHORIZED

Chairman Edwards reported the Municipal Building Committee RECOMMENDS AUTHORIZING EZER MIER ASSOCIATES TO CONDUCT FOUR SOIL BORINGS IN CONNECTION WITH THE MUNICIPAL BUILDING PARKING LOT AT A COST NOT TO EXCEED $5,000. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE GREENWAY COMMISSION

GREENWAY COMMISSION - ANNUAL REPORT - RECEIVED

Phillip Hinton, Chairman of the Greenway Commission presented Council members with a report on the progress made by the Greenway Program during 1982 and identified the primary objectives for 1983. Mr. Hinton briefly outlined the accomplishments of the Greenway Commission during the past year including acquisitions either purchased or dedicated, etc. He presented plans for 1983 which included public education programs, acquisition, design and construction. He explained they received only 30 acres of land through dedication this year, pointing out this is down from the 60 acres last year and they feel that that is due to the housing slump and general construction slump. Mr. Hinton explained with the exception of the Ironwood Trail, all paved greenway trail development has been constructed utilizing the Parks Department Greenway crew. He explained this crew is also responsible for maintenance and a variety of other jobs in city parks. He pointed out as the system continues to grow, more and more of the construction crew's time is spent on maintenance work and the best time for Greenway Trail construction coincides with the crew's busiest maintenance season. He stated as as result, the Greenway Commission is limited in the amount of trails that can be constructed each year and are building up a substantial reserve of unutilized greenway land and incompleted trail construction. He explained the Greenway Commission would like to recommend that the City supplement the trail construction work undertaken by the Greenway crew with work that is contracted out. By doing this, they can begin to take advantage of ideal construction seasons, expand the construction program in an orderly manner and still be able to keep up with the ever increasing greenway maintenance needs. He stated in the very near future, the Greenway Commission would like to recommend via the City Manager, specific proposals for contracting services and work.

Mayor York commended the Greenway Commission indicating he feels they are doing an excellent job. He stated he too felt that progress can be accelerated in the program and as he understands it, it is not a matter of funding, but a matter of time or personnel. Mayor York questioned what the Council would need to do at this point. Mr. Hinton indicated they had been submitting RFPs in the last month and they will be coming back to the Council with a construction contract and would request Council approval at that time. Mr. Walters agreed that the Parks and Recreation construction crew is doing an excellent job, but they are only one crew. He agreed with the need to contract some of the construction workout. Without other discussion, the Greenway Commission's annual report was received as information with the Greenway Committee being commended for their work.

Mr. Hinton expressed appreciation for the excellent cooperation from the Parks Department, pointing out Ron Tietgen has been an excellent help and is very cooperative. He stated the City's Planning staff has worked long and hard, and all of the work is coordinated by Bob Mosher. Mr. Hinton expressed appreciation to all involved.

REPORT AND RECOMMENDATION OF THE INTERGOVERNMENTAL COMMITTEE

DOROTHEA DIX PROPERTY - RECOMMENDATIONS MADE

Chairman Upchurch reported the Intergovernmental Committee MAKES THE FOLLOWING RECOMMENDATIONS RELATING TO THE FUTURE USE OF THE DOROTHEA DIX PROPERTY:

1. Encourage the State Government to involve the Dorothea Dix Staff in the selection of prisoners who may be transferred to the Dorothea Dix facility.

2. Encourage expanding the Advisory Committee working on this item to include representatives from the Community, City Council and Wake County Commissioners.

3. Encourage that a hearing be held at the appropriate time to receive citizen's input on the matter.

On behalf of the Committee, Mr. Upchurch moved that the recommendation be upheld. His motion was seconded by Ms. Babb. City Manager Zachary requested THAT SECTION ONE BE CHANGES TO READ AS FOLLOWS:

1. Encourage the State Government to involve the Dorothea Dix Staff in the selection of the category of prisoners who may be transferred to the Dorothea Dix facility.

He indicated that he felt that this wording would be better as he did not feel that anyone wants to be involved in the selection of a particular individual, but just the type, class or category of persons. Without objection, the motion was amended as suggested and put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

INNER-CITY SCHOOLS - POSITION PAPER ADOPTED; ITEM RETAINED IN COMMITTEE

Council Members received in their Agenda packet a position paper WHICH IS RECOMMENDED FOR APPROVAL WITH THE UNDERSTANDING THAT IF APPROVED, THE PAPER WILL BE PRESENTED TO THE SCHOOL BOARD WHEN THE PUBLIC HEARING IS HELD ON THE INNER SCHOOL CHANGES. On behalf of the Committee, Mr. Upchurch moved the recommendation be upheld. His motion was seconded by Mr. Walters. Mr. Upchurch read the paper in full as follows:

> The City Council has reviewed the proposed Student Assignment Adjustment Program which has been submitted to the Facilities Committee of the Wake School Board. The Council encourages the school board to consider the following criteria when making decisions on this policy matter:
>
> 1. retain the public school facilities in the City of Raleigh as active and direct components of the system for educating our children;
>
> 2. develop a plan which provides for stability in pupil assignments for up to five years;
>
> 3. keep the school facilities flexible to meet potential future changes in neighborhood demographic conditions, especially if changes occur which result in an increase in the number of young children in various neighborhoods;
>
> 4. recognize that viable public schools are essential to maintaining stability in urban neighborhoods which can have a positive impact on the property tax base that is important in the financing of our total public school system;
>
> 5. quality education for all students should be the top priority with maximum utilization of existing facilities in conjunction with quality instruction and support services being critical factors;
>
> 6. the magnet school approach should be carefully evaluated at an appropriate time to determine the level of success in the education of our children.

Discussion took place with Mr. Upchurch indicating the position paper may seem somewhat vague and he feels that the city Council needs to continue monitoring this item very closely. Mr. Walters indicated he would like for this item to remain in Committee to continue to monitor and to make sure there is some flexibility. Ms. Babb indicated she supports the general tone but questioned how realistic No. 2 would be and if it is not in conflict with No. 3. After general discussion, the motion as stated was put to a vote and passed unanimously. Without objection IT WAS AGREED TO HOLD THIS ITEM IN THE INTERGOVERNMENTAL COMMITTEE TO CONTINUE MONITORING THE ITEM AND FOR FURTHER STUDY.

ZONING HEARINGS - TIME AND PROCEDURES - PUBLIC HEARING AUTHORIZED; ITEM RETAINED IN COMMITTEE FOR FURTHER STUDY

Mr. Upchurch indicated Council members received in their Agenda packet, A PROPOSED TEXT CHANGE RELATING TO THE PROCEDURES FOR ZONING AMENDMENTS WHICH IS RECOMMENDED FOR PUBLIC HEARING AT THE APRIL ZONING HEARING. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller. City Attorney McCormick briefly explained the proposed text change indicating it would allow for zoning hearing every two months to become effective in the fall of 1983. He stated this is just an advertisement for the public hearing to consider the change. Mr. Upchurch also requested that the ITEM REMAIN IN COMMITTEE FOR THE PURPOSE OF DEVELOPING OTHER PROCEDURES IF THIS TEXT CHANGE PASSES. The motion as amended was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REPORT OF COUNCIL MEMBERS

MR. UPCHURCH - TO BE EXCUSED FROM THE REMAINDER OF THE MEETING

Mr. Upchurch indicated as Council Members were aware, he had to leave the meeting to enter the hospital. He asked as a point of personal privilege that the be allowed to give his report at this portion of the meeting. Without objection, it was agreed to move Mr. Upchurch's report up.

TRANSPORTATION CORRIDOR - MINI-CITY - REFERRED TO THE PUBLIC WORKS COMMITTEE

Mr. Upchurch requested THAT A MATTER BE REFERRED TO THE PUBLIC WORK COMMITTEE TO CONSIDER THE TRANSPORTATION CORRIDOR AND OTHER RELATED ITEMS RELATING TO THE MINI-CITY AREA. He stated this involves Attorney Marvin Musselwhite. Without objection the item was referred to Public Works Committee.

PARKING LOT - PROPOSED CHANGES RELATING TO LANDSCAPING - PUBLIC HEARING AUTHORIZED

Mr. Upchurch presented Council Members with a proposed text change relating to landscaping for off-street parking areas. He indicated some of the items for consideration relate to the landscaping of the primeter area, planting of additional trees, and the requirement that parking lots that have to conform if they are enlarged. He briefly explained the proposed text change and MOVED THAT THE PROPOSED TEXT CHANGE RELATING TO LANDSCAPING OF OFF-STREET PARKING AREAS BE ADVERTISED FOR THE APRIL PUBLIC HEARING. His motion was seconded by Mr. Keller and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

MR. UPCHURCH WAS EXCUSED FROM THE REMAINDER OF THE MEETING.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

REZONING Z-21-82 - STAFFORD AVENUE - APPROVED AS AMENDED; OBERLIN ROAD STUDY - REFERRED TO THE UNIVERSITY PLAN UPDATE

Mayor York indicated he would like to be excused from participation in this matter. He pointed out he does not own any property involved but owns adjacent property. Without objection Mayor Pro Tem Walters took the chair. Chairman Calloway reported the Comprehensive Planning Committee RECOMMENDS THAT THE PROPERTY COVERED BY REZONING APPLICATION Z-21-82 BE REZONED TO OFFICE AND INSTITUTION-I WITH A FIVE FOOT CONSERVATION/BUFFER DISTRICT ALONG THE WEST AND SOUTH SIDES OF PARCEL 7, 8 AND 9 WITH THE REQUEST THAT THE CITY COUNCIL MAKE AS A STATEMENT OF INTENT, THAT THE FIVE FOOT CONSERVATION/BUFFER WOULD SIGNAL THE END OF NON-RESIDENTIAL ZONING IN THIS AREA. He stated the Committee also recommends ACCEPTANCE OF THE OBERLIN ROAD STUDY - A REPORT FROM THE WADE CAC AND REQUEST THAT THIS ITEM BE REFERRED TO THE APPROPRIATE PARTIES TO BE CONSIDERED IN THE UNIVERSITY PLAN UPDATE. Council Members received a copy of the report in their Agenda packet. On behalf of the Committee, Mr. Calloway move the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative except Mayor York and Mr. Upchurch who were excused. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 66 ZC 115

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Six Forks Road, west side, approximately 300 feet north of Sawmill Road, being Parcels 16, 33 and 94, Tax Map 324, approximately seven acres rezoned to Office and Institution-III District. (Z-17-83)

(b) Stafford Avenue, south side, between Oberlin Road and Chamberlain Street, being Parcels 7, 8, and 9, Block D-105, Tax Map D-24, rezoned to Office and Institution-I District with a 5-foot Conservation/Buffer District along the west and south sides of Parcels 7, 8 and 9, according to map on file in the City of Raleigh Planning Department. (Z-21-82)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective upon the date of adoption, Feberuary 15, 1983.

Adopted: 2/15/83

REZONING Z-75-82 - LEESVILLE ROAD - RETAINED IN COMMITTEE; PLANNING COMMISSION REQUESTED TO EXPEDITE RESIDENTIAL-4/PUD RECOMMENDATION

Chairman Calloway reported THE COMMITTEE RECOMMENDS THAT Z-75-82 REMAIN IN COMMITTEE FOR FURTHER STUDY. He stated however in discussion of this case, the Committee realizes the importance and the need for the Council to study some of the problems with the zoning laws and WOULD URGE THE COMMITTEE TO REQUEST THE PLANNING COMMISSION AND ITS SUBCOMMITTEES TO ACT AS EXPEDITIOUSLY AS POSSIBLE AND MAKE A RECOMMENDATION ON THE RESIDENTIAL-4/PUD TEXT CHANGE. On behalf of the Committee, he moved the

recommendation be upheld. His motion was seconded by Ms. Babb. Mayor York indicated he was concerned about the Residential-5 and Residential-8 text change and questioned if there has been any effort by the Planning Commission to make a recommendation on these two items. Planning Director Chapman indicated there are a number of similar issues in the Planning Commission. He stated the subcommittee has been reestablished and is working and are very close to making a recommendation on the Residential-4/PUD. The motion as stated was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REZONING Z-5-83 - LAKE DAM ROAD/INTERSTATE 40 - RETAINED IN COMMITTEE; REAL ESTATE COMMITTEE ASKED TO REPORT DIRECTLY TO THE COMPREHENSIVE PLANNING COMMITTEE

Councilman Calloway reported the Comprehensive Planning Committee RECOMMENDS THAT REZONING Z-5-83 REMAIN IN COMMITTEE FOR FOUR MORE WEEKS BUT REQUEST THAT THE COUNCIL'S REAL ESTATE COMMITTEE LOOK AT THE PROPERTY COVERED BY THIS REQUEST, AS IT IS A PART OF PHASE IV LAKE JOHNSON PROPERTY PURCHASE, AND GIVE GUIDANCE AS TO THE CITY'S INTENT IN PURCHASING THIS LAND PRIOR TO THE COMPREHENSIVE PLANNING COMMITTEE MEETING SCHEDULED FOR MARCH 9 AND THAT THE REAL ESTATE COMMITTEE'S INTENTION BE CONVEYED DIRECTLY TO THE COMPREHENSIVE PLANNING COMMITTEE. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

NEW BERN AVENUE PLACE REDEVELOPMENT PLAN - REFERRED TO THE PLANNING COMMISSION

City Manager Zachary indicated the City Council has adopted a basic redevelopment plan for the Downtown Development. He stated the New Bern Avenue place would be the first proposed change, pointing out this is a sub area of the Downtown East Redevelopment plan. Downtown Project Coordinator Betts indicated on March 23, the Planning Department presented to Council a proposal for the New Bern Avenue cul-de-sac area with the understanding that this was a proposed concept. The Council endorsed the concept and instructed the staff to develop a specific amendment to the Downtown East Redevelopment Plan. At that time the Council also authorized the sale of the lot at 212 New Bern Avenue to the Mordecai Society for moving of the Montgomery House. He explained in April the Council adopted the recommendation of the Real Estate Committee to condemn the Royster lot, 206 New Bern Avenue, subject to the adoption of the redevelopment plan amendment which was shown in the original concept as the site for moving White Holman house. In August the staff presented a preliminary draft of the plan to the Real Estate Committee and Council with the understanding that it would be discussed with various groups, interested citizens and property owners. He explained in the past several months the staff has been refining this document, meeting with the parties, and attempting to identify cost and financing. Although not all of the questions have been resolved, the staff feels we have a good document with which to begin the formal redevelopment plan amendment process. He indicated Council Members received a packet of information which contains a formal redevelopment plan amendment and an appendix plan report. He indicated the formal document concerns strictly redevelopment activities such as acquisition, relocation, clearance, etc. The plan report contains recommendations for public improvements in the two-block area to support development and enhance the general appearance. He stated these activities have been separated principally because redevelopment must be funded with non ad valorem funds while public improvements can ordinarily be undertaken with general funds. Redevelopment actions proposed include the acquisition of the Royster lot and properties on Person and Edenton Streets, the relocation of tenants and the clearance of the properties. The White Holman house lease and the moving of the house is also spoken to. He stated alternative approaches for undertaking these projects are discussed in the plan report. The house would eventually be sold to a qualified residential or office occupant which would complete the restoration. The other sites would be sold to a residential developer with restrictions on design and layout of the project. He stated redevelopment funding is proposed to come from the Community Development program and Urban Renewal Resources. Community Development funds are to be reimbursed from land sale proceeds. He indicated the total cost are estimated to be approximately $363,300.

Mr. Betts indicated extensive public improvements are proposed involving new sidewalks, repaving, landscaping and other amenities. He briefly explained the improvements which includes new paving materials for parking, walks, street trees, parking alleys, burms and raised planting beds all with a landscaping feature or focus such as a gazebo, pointing out the proposed location. He stated this is to provide an attractive setting for the historic cluster and new residential development and to provide a public open area for visitors and workers. He explained street trees and sidewalk treatments proposed along Martin/Person/Edenton and Blount Streets which will help link this area to the Central Business District and the State Government complex. He indicated the lot from which the White Holman house is removed would be improved as a small parking lot, principally to serve the occupants of the buildings facing New Bern Avenue and to avoid the use of yard space around the buildings for parking. The lot would have access from the Bretsch house property and sold or leased to that owner. He indicated the total public improvement cost or estimate is $281,411. Mr. Betts presented the following schedule for the redevelopment plan:

February 15, 1983 - Council Review and Refer to the Planning Commission

February 21, 1983 - Planning Commission Review - Recommendation

March 15, 1983 - Council Review - Planning Commission Recommendation and Authorized Public Hearing

April 5, 1983 - Public Hearing before the City Council

April 19, 1983 - Council Review

May 3, 1983 - Council Could Adopt a Plan

Mr. Calloway questioned if the present tenant would stay with the property after it was relocated with Mr. Betts indicating that is not a specific recommendation. Mr. Walters indicated as he understands it, the plan is to give the present occupants the first option. Mayor York questioned if the housing along Person Street will be oriented to the street or to the interior with Mr. Betts indicating this housing hasn't been specifically sited, but he feels that the living quarters would be away from the street. Brief discussion took place, after which Mr. Walters MOVED THAT THE SCHEDULE AS RECOMMENDED BY MR. BETTS BE APPROVED AND THAT THE NEW BERN AVENUE PLACE REDEVELOPMENT PLAN AMENDMENT BE REFERRED TO THE PLANNING COMMISSION. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

TEMPORARY SHELTERS - REFERRED TO CITY ATTORNEY AND LAW AND FINANCE COMMITTEE TO DEVELOP ORDINANCE

City Manager Zachary indicated that at a previous Council Meeting, Administration was requested to review the problems and limitations concerning the proposal for the use of property for emergency shelter. City Manager Zachary indicated Council Members had received a packet of information and he feels that the City Council's ordinances have been upheld properly. He indicated this Council and previous Council have spent a lot of time on the group care facility ordinance and he feels the ordinance has been handled property. Mr. Zachary indicated Don Harris has requested permission to speak to the Council as a representative of the Urban Ministry.

Mr. Harris indicated he feels the ordinance was executed according to the interpretation of staff. He stated he has been working with Raleigh Area Ministries to try to meet the needs of the street people. He pointed out the Rescue Mission and the Salvation Army do a fantastic job working with these people, but it has been his experience that they do not and cannot serve all. He pointed out for example, the Salvation Army allows a person to stay only one night in a 30 day period, and similar rules apply at the Rescue Mission. He indicated many of the people we are talking about serving are not drunks as most people feel, that some are just unemployed or find themselves in a bad situation at a particular time in their life. He indicated in reviewing the ordinance, there is some interpretation that this group does meet the provisions of the ordinance. He indicated the group care ordinance covers any activity or facility of 40 or fewer people living together and receiving counseling and therapy. He indicated the facility that we are talking about, that the people will not be living there or receiving counseling or help at the facility. He indicated any counseling or therapy would take place in a facility that they will be referred to if the people are ready to take that step, but that would be up to the people. He stated they just want to offer them a place to stay to get them off the street. He indicated if the City Council could accept the possibility that this would be excluded, the problem would be solved. He stated there is a possibility of opening up the facility without regard to the ordinances of the City of Raleigh and that is a possibility that the Urban Ministries Association is considering and could be considered in the future. He indicated he would hate to see a situation such as this occur and he would urge the Council to work towards establishing an ordinance that would address this type facility and projects such as this. He suggested the possibility of modifying the density requirement which would allow more people in a smaller space as these people would not be living in this facility and also to consider some type of zoning that would include this use by right. He spoke to Bishop Lawson's facilities and how it was opened up. He indicated in his opinion there are some activities or facilities that are operating and he would expect that they do not meet the requirements as set out by law. He indicated if we are going to try to enforce the definition of group care, he feels that there will be a lot of this type facilities that is operating illegally. He again asked the Council to consider an ordinance that would govern this type facility and let the group move forward in a deliberate fashion. He indicated the City of Raleigh is wanting for a regulatory vehicle to allow this type work to be done. He stated he supports the Urban Ministries work in trying to move ahead and again indicated they might try to move ahead without the proposed ordinance just to meet the needs of the people.

Mr. Calloway indicated he had read the City Manager's comments. He indicated he feels that the Council should do something to help organizations such as Urban Ministries that are trying to come in and help the street people. He stated he regrets that their efforts have run a foul with City laws. He pointed out President Reagan had suggested that private individuals come in and take up where government cutbacks are having to occur. He stated he feels that we need to address the possibility as suggested by Mr. Harris to have some regulatory vehicle to allow this type operation to go on. He questioned if it would be possible for the City Council to direct the City Attorney to draft up some type ordinance that would deal with meeting the needs of temporary shelters and ask the City Attorney to report back to Council. He stated he would really hate to come up with an ordinance that would make

provision for this type facility. He moved that the City Attorney be directed to draft such an ordinance. His motion was seconded by Ms. Babb. Ms. Babb indicated apparently one of the problems in trying to solve this is that some staff persons and the Board of Adjustment feels that the code doesn't speak to this type facility and the nearest thing is a group care facility and they would have to fall under that definition. She indicated she does not agree with that, but that is something else entirely and she feels that we need to go back and include something in the ordinance that would speak specifically to temporary shelters and she does not feel there are group care facilities. Mr. Walters indicated he did not see what the City Attorney could do at this point, he stated we cannot and do not regulate vagrancy here with Ms. Babb pointing out she is not talking about enforcing a law, that if we had a temporary shelter, there would be no requirement that the people have to go to it, it would just be there if they need it. Mr. Walters indicated the people we are referring to are vagrants. He questioned how much need there is in the City of Raleigh. He asked what limits the City would proposed to place on these facilities, what the locational criterial would be, etc. He indicated most of the vagrancy seem to occur in neighborhood business districts and he does not feel that that is where they should go as he did not want a shelter in his parking lot. He indicated these people are not being taken care of because they will not conform to any regulations. He stated there is a place for them to go if they want to go, so he does not feel any real obligation to worry about the situation that much. Brief discussion took place and Ms. Babb requested that the motion be amended TO DIRECT THE CITY ATTORNEY TO BEGIN WORKING WITH APPROPRIATE CITY STAFF PERSONS AND REFER TO THE LAW AND FINANCE COMMITTEE TO WORK WITH THE CITY ATTORNEY TO DRAFT SOME TYPE OF ORDINANCE THAT WOULD ALLOW TEMPORARY SHELTERS AND TO DO THIS AS EXPEDITIOUSLY AS POSSIBLE. Mr. Calloway agreed with the amended motion. After lengthy discussion with Mr. Walters indicating he does not feel there is ever an excuse to break the law and he was disappointed to hear Mr. Harris say that they are considering moving ahead whether they are breaking the law or not, the motion as amended was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

WASTEWATER TREATMENT PLANT EXPANSION - PHASE I - BIDS AWARDED TO CRAIN AND DENBO, INCORPORATED, J. W. CAMPBELL ELECTRIC CORPORATION; HEATING AND VENTILATION BID TO BE RE-ADVERTISED

Bids were received on February 3, 1983 for construction of improvements to the Neuse River Wastewater Treatment Plant which would allow the rated capacity to be extended from 30 million gallons per day to 40 million gallons per day. The improvements are in accordance with the feasibility study which was prepared by the firm of Hazen and Sawyer and previously approved by the City Council. Council Members received a copy of the complete bid tabulation in their Agenda packet and this tabulation will become a part of the permanent minutes of the meeting. Administration would recommend that the following bids be awarded:

Contract 1A - General - Crain and Denbo, Inc., - $6,216,700.

Contract 1B - Electrical - J. W. Campbell Electric Corporation - $593,577.

Contract 1C - Heating and Ventilation - Insufficient number of bids were received (less than 3) to open. This contract will be readvertised. The approximate value is $30,000 to $40,000.

The total of Contracts 1A and 1B is $6,810,277. This compares with the engineers' estimate of 6.8 to 7.1 million at current conditions. Administration RECOMMENDS THAT CONTRACTS 1A AND 1B BE AWARDED TO CRAIN AND DENBO AND J. W. CAMPBELL ELECTRIC CORPORATION RESPECTFULLY AND FURTHER RECOMMENDS THAT THE BID IRREGULARITY REGARDING THE NON-EXISTENT ADDENDUM 3 FOR CONTRACT 1B BE RULED AN INFORMALITY. In this case, the bid of J. W. Campbell Electric Corporation acknowledge receipt of Addendum No. 3, but there was no Addendum No. 3 issued. The Agenda also listed THE RECOMMENDED CAPITAL PROJECT BUDGETARY ACTION THAT WOULD NEED TO BE APPROVED IF THE BIDS ARE AWARDED. THE CAPITAL PROJECT BUDGETARY ACTION WAS IN THE AMOUNT OF $6,889,277. Mr. Edwards indicated he had discussed this with the Public Utilities Department and it is on the low side of the engineer's estimate, therefore HE WOULD MOVE ADMINISTRATIONS RECOMMENDATION AS OUTLINED BE UPHELD. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 162 TF 29. (see bid tabulation on page 230A)

WASTEWATER PERMIT APPLICATION TO NRCD - INTERIM - APPROVED

The State requires that all development plans, which involves additional wastewater flow to Raleigh be processed through a permit system. As a result, the City's actual flow plus future flows as per the permits are approaching the current capacity of the treatment plant, even though our average flow is 25 million gallons per day. As a result of the City being able to begin construction on the expansion at the wastewater treatment plant, the City is in the position to request an interim increase in permitting capacity for the City. This would involve an application to the Division of Environmental Management for an extension of the wastewater allocation capacity under their rule "67b." Since the Town of Cary is currently building a wastewater treatment plant, also, it would be reasonable to submit a joint request with Cary. Administration RECOMMENDS THAT THE CITY COUNCIL APPROVE THE FILING OF A 67B APPLICATION TO THE DIVISION OF ENVIRONMENTAL MANAGEMENT AND THAT THIS BE CONJUNCTION WITH THE TOWN OF CARY, IF AN AGREEMENT CAN BE REACHED WITH THE TOWN TO DO SO. It is anticipated that the application would be for 1.5 million gallons per day with 750,000 gallons per day each for Raleigh and Cary.

Mayor York indicated later in the Agenda, there is an item relating to the sanitary sewer inter-municipal agreement with the Town of Cary. He indicated these items relate and questioned if the allocation for the Town of Cary would go up and then back down, or just how these two inter-relate. After brief discussion with Mayor York indicating if administration was satisfied that these two agreements do relate positively, Mr. Edwards moved that administration's recommendation be upheld. The motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

INSPECTION SERVICES FEE SCHEDULE - PROPOSED REVISION - REFERRED TO THE PUBLIC WORKS COMMITTEE

Pursuant to suggestions from the City's external auditors, the City staff has reviewed the existing fee schedule which is applied to the issuance of the various construction permits for structures. The present fee schedule establishes a specific fee for each type or size of electrical, plumbing, or mechanical fixture, appliance or device to be installed, plus a sliding scale fee based on the cost of building construction work. Much time is required to compute the appropriate fee for a specific structure. A proposed fee schedule has bee developed, which establishes a fee per dwelling unit for residential buildings and, for all other buildings, a fee per square foot of floor area by classification of occupancy. Under the proposal, the minimum permit fee is increased from $10 to $20. City Manager Zachary indicated Council Members received a copy of the proposed fee schedule in their Agenda packet. The fee schedule is expected to produce the same total annual revenue from inspections as the present schedule. City Manager Zachary indicated this is a major revision in the method of determining fees. Mr. Walters indicated he feels that this will simplify matters therefore he would move approval. Mayor York questioned if the contractors and the building industry is aware of this. City Manager Zachary indicated he had tried to make sure that this will not be a major jump in any particular category. He stated it has been tested and the fees would not jump appreciably. Ms. Babb indicated she did not have any specific problems with any of the numbers, but she wondered if it should be put in committee to allow the public to react to it. Mayor York suggested the possibility of referring the matter to Committee and to send a copy of the proposed fee schedule to various organizations for their response. Brief discussion took place and Mr. Edwards MOVED THAT THE PROPOSED FEE REVISION IN THE INSPECTION SERVICE FEE SCHEDULE BE REFERRED TO PUBLIC WORKS COMMITTEE. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

PARK SYSTEM ROOF EVALUATION - REFERRED TO LAW AND FINANCE COMMITTEE

The Park system has a number of structures with roofs which are reaching the stage of possibly needing repairs. The Parks and Recreation Director has worked with Stan Caton and Associates of Raleigh to develop an approach for performing a system-wide evaluation of all roofs. The estimated cost of the study would be $16,800. The Agenda indicated the work would also include the use of infrared scanning to identify areas where energy loses are occurring. With the report from this firm, the City can make decisions concerning repair schedules for the various roofs. This project does not involve actual roof repair only analysis of roof conditions. City Manager Zachary indicated this effort did not include our normal solicitation of the proposal process since this appears to be a very specialized activity. The Agenda also outlined a budget amendment that would be necessary if the study is approved. Administration recommends approval. Mr. Jordan questioned how the City decided to work with this firm and indicated he did not understand why the City's crews could not determine when the roofs need repair. He stated he feels this needs to be studied AND MOVED THAT THE PROPOSED PARK SYSTEM ROOF EVALUATION PROGRAM BE REFERRED TO LAW AND FINANCE COMMITTEE. Mr. Walters seconding his motion indicated maybe the City could train its people to do this work. The motion as stated was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ELECTRICAL DESIGN WORK - AT VARIOUS PARKS - ADMINISTRATION AUTHORIZED TO NEGOTIATE CONTRACT

Included in the 1982-83 Parks Capital programs are ballfield retrofitting projects at Lions Parks and Carolina Pines Park. For FY 83-84, the Capital Improvements Budget indicates similar work at the Oakwood Park and Biltmore Hills Park. Proposals for consulting design services for these parks has been solicited with five companies responding. It was pointed out while two of the park locations are shown to be funded in FY 83-84, consolidation of the analysis of these sites could be an economical approach. Administration RECOMMENDS THAT THE FIRM OF L. E. WOOTEN AND COMPANY BE RETAINED, SUBJECT TO NEGOTIATING A SATISFACTORY CONTRACT WHICH WILL BE BROUGHT BACK TO THE COUNCIL FOR APPROVAL AND FUNDING. Mr. Keller moved that Administration's recommendation be upheld which was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

CABLEVISION ADMINISTRATOR POSITION - REFERRED TO LAW AND FINANCE COMMITTEE

At a previous Council Meeting, administration was requested to provide a proposed job description and salary range for the position of Cablevision Administrator. Council Members received in their Agenda packet a proposed job description for the position of Cable Communications Administrator, which has been developed by the Personnel Director. The determination of appropriate salary level is basically a two step

process which was explained in the Agenda. Administration recommends that the City Council approves the job description of the position of cable communications administration and approve a salary grade of 39 which is a range of $22,957.00 to $32,304.00 for this position.

Mayor York indicated he has some problems with the job description as he does not feel that there are that many people who would have public administrative experience in cable communications. He stated too, that he had thought possibly one of the requirements or educational requirements could include the electrical engineering field. He indicated it seems the job description is saying we want administrative experience, but he wondered if we did not want someone more in the technical field, with Ms. Babb indicating she felt we need both. Discussion took place on the fact that administrative experience and handling the public is very important as no matter how much expertise a person has, if they cannot handle the public, they might not be able to handle the job. Mr. Jordan indicated there was an article in the paper recently about the future of cablevision. He indicated there is much on the horizon in the field of cablevision and he feels that everyone on Council realizes that we are just beginning on something that is very new and broad based. He indicated many people think of cablevision as no more than an entertainment median and this is a mistake, and he feels that the Council should be very careful and make sure that we do not employ someone that will not be looking at the future and move ahead in the very exciting future Cablevision offers. He indicated the Raleigh City Council probably has had more experience in cablevision than any other Council in the United States. He indicated administrative ability is very important, but we must have someone who can look to the future and help the City realize all of the aspects that cablevision has and can offer to the City. Mayor York agreed that we are on the threshold of a very exciting era of communication and we must have someone who can advance and look toward the future and help us make the most of the technology that is available and becoming available. Mr. Edwards indicated the City Council has worked hard and long on cablevision and he would hope that the administrator would have great expertise and knowledge and to be able to lead the Council in its future endeavors and awarding the franchise, carrying it off, etc. Mayor York indicated another concern was the pay grade. He indicated in the Agenda it seems to be comparing this to a pay grade 40 and that a 39 was recommended. He stated his first feeling is that a 40 would be more in line.

Brief discussion took place after which THE CABLEVISION ADMINISTRATIVE POSITION JOB DESCRIPTION AND SALARY LEVEL WAS REFERRED TO LAW AND FINANCE COMMITTEE FOR STUDY AND REPORT BACK TO COUNCIL.

ANNEXATION PROGRAM FOR 1983 - EQUIPMENT ACQUISITION - AUTHORIZED

The annexation program which is currently under consideration would result in the need for additional equipment and most of it can be purchased in FY 83-84. The Public Works Department will need two garbage collection vehicles which require a substantial amount of time to obtain. A rear loading collection unit and a front loader container collection unit would be needed to allow the staff to plan for providing these services, it is desirable to begin the acquisition process for these vehicles, and the request is for a transfer to allow the initiation of this effort. Any bids taken will come back to the Council and can, thereby, be coordinated with the Council policy decisions on annexation. In addition, the staff will also be looking at contracting options for the container service in this time period. Administration RECOMMENDS THAT UPON TRANSFERRING THE AMOUNT OF $150,000 BE APPROVED TO ALLOW INITIATION OF THE ACQUISITION PROCESS FOR THE TWO GARBAGE COLLECTION UNITS. Mr. Walters moved the recommendation be upheld. His motion was seconded by Mr. Edwards. Brief discussion took place as to why the transfer was being requested if the Public Works Department is going to be studying contract service with City Manager Zachary indicating we could not go the bids without adequate funds. Mr. Walters stated he had no objections to transferring the funds, pointing out this is just to transfer and the Council could reject the bids if they so desired. After brief discussion, the motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 162 TF 29.

ORDINANCE NO. (1983) 67 TF 13

AN ORDINANCE TO AMEND THE 1982/1983 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That $155,000.00 of the General Fund Contingency appropriation, Code Account 01-2-1040-001, is hereby transferred from that appropriation and added to the appropriations madein the 1982/1983 Budget Ordinance as follows:

$65,000.00 to Code Account 01-2-5030-702, 20-Yard Refuse Collection Unit

$90,000.00 to Code Account 01-2-5030-703, 30-Yard Front Loader

To provide funds for procurement of one 30-Yard front loader and one 20-yard rear loader refuse collection vehicles required to service proposed annexed areas on June 30, 1983.

Adopted: 2/15/83

SANITARY SEWER INTERMUNICIPAL AGREEMENT - TOWN OF CARY - APPROVED SUBJECT TO APPROVAL BY TOWN OF CARY

It was pointed out for a considerable length of time, the Administration has been working with the Town of Cary on the development of an Intermunicipal Agreement which covers the collection and treatment of wastewater from Cary by the City of Raleigh. This effort has been complicated by the Town of Cary's decision to build its own treatment facilities. Council Members received a proposed agreement which has been developed which appears to meet the mutual needs of both cities in their Agenda packet. The Agenda outlined the main features of this agreement and pointed out this document is also being reviewed by the governing board of the Town of Cary. Administration RECOMMENDS THAT THE CITY COUNCIL APPROVE THE AGREEMENT, SUBJECT TO IT BEING APPROVED BY THE GOVERNING BOARD OF THE TOWN OF CARY WITH THE UNDERSTANDING IF THERE ARE CHANGES TO THIS PROPOSAL, THE PROPOSED AGREEMENT WILL BE BROUGHT BACK TO THE CITY COUNCIL FOR CONSIDERATION. Brief discussion took place and Mr. Walters moved that Administration's recommendation be upheld. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

CRABTREE CREEK STUDY - CORPS OF ENGINEERS - INFORMATION RECEIVED

City Manager Zachary indicated on May 4, 1982 the City Council requested the Corps of Engineers to update in study of flooding on Crabtree Creek. Subsequently the City was notified by the Corps that a reconnaissance study would be undertaken in early 1983. This reconnaissance study would determine if a detailed study is warranted. He indicated today a representative of the Corps of Engineers came to the Assistant City Manager for Operations' office to discuss the flooding problems on Crabtree Creek and advise the City that the reconnaissance study was now underway. City Manager Zachary indicated our staff will be working with the Corps of Engineers in undertaking this study and the anticipated completion date for this project is June, 1983 and this information would be used to ascertain the need for a detailed study of Crabtree Creek. The item was received as information.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

CITY COUNCIL CHAMBERS - AUTHORIZED FOR USE ON MARCH 9TH AND 23RD BY WAKE COUNTY BAR ASSOCIATION

City Attorney McCormick indicated some time back he told the Council of a program being conducted by the Wake County Bar Association relating to Mock Town meetings. He indicated the first series of these meetings were held at Athens High School. He indicated another series of meetings are being planned and he has been asked to protray the part of the City Attorney in these meetings. He stated he thought it would be nice if the Wake County Bar Association could utilized the City Council Chambers to make the settings for these meetings more realistic. He indicated the City Council has a policy of only allowing City Groups to utilized the City Council Chambers and he would request that the City Council agree to sponsor the Wake County Bar Association to the extent that they would allow them to use the City Council Chambers on March 9 and March 23 for this event. Brief discussion took place with City Attorney McCormick indicating he had checked with the Council Chamber schedule and there is no conflict. Mr. Edwards indicated he feels that this is in the line of education for the public AND HE WOULD MOVE THAT THE WAKE COUNTY BAR ASSOCIATION BE AUTHORIZED TO USE THE CITY COUNCIL CHAMBERS ON THE NIGHTS OF MARCH 9 AND 23 FOR THE MOCK TOWN MEETINGS. His motion was seconded by Mr. Walters and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

SUBDIVISION - BLUE RIDGE OFFICE CENTER - NEW RESTRICTIVE CONVENANTS AUTHORIZED

City Attorney McCormick indicated several years ago, Blue Ridge Office Center Subdivision was approved which included restrictive convenants required by the City Council to be placed on the property. City Attorney McCormick presented a copy of the subdivision of 9 lots, pointing out it was the intent of the City Council to allow development on lots 2, 3, 4, 5, 6 and 7, but that no development would be allowed on lots 8, 9 and 10 until such time as the alignment of Lake Boone Trail was determined and dedicated. He indicated when the restrictive convenants were prepared by the attorney representing Blue Ridge Office Center, the convenants were written to disallow development on any of the lots until the alignment question is resolved. He indicated the property owner has a sale for some of the lots, but because of the restrictive covenants, the Inspections Division cannot issue the building permit. He indicated new restrictive convenants have been prepared which would allow development on the lots 2 through 7, but would still disallow development on lots 8, 9 and 10 until such time as the alignment question has been resolved. He presented the Council Members with a map which shows the lots that could be developed outlined in yellow. He indicated his request and recommendation IS TO ALLOW THE NEW RESTRICTIVE CONVENANTS TO BE RECORDED AND ALLOW THE DIRECTION OF COUNCIL IN APPROVING THIS SUBDIVISION TO GO FORWARD. Mr. Edwards indicated the Attorney is using a map prepared by his company to illustrate the problem, therefore, he would like to be excused from participation in this manner. Without objection, Mr. Edwards was excused. Brief discussion took place with City Attorney McCormick indicating he had

checked with the Planning Department and other involved departments and has reviewed the new set of restrictive convenants. Mr. Walters MOVED APPROVAL OF THE NEW SET OF RESTRICTIVE CONVENANTS TO ALLOW THE COUNCIL'S DIRECTION TO PROCEED. His motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative except Mr. Edwards who was excused. Mr. Upchurch was absent and excused. THE MAYOR RULED THE MOTION ADOPTED.

REPORT OF MAYOR AND CITY COUNCIL

WAKE DELEGATION MEETING - SCHEDULE ANNOUNCED

Mayor York indicated the City Council will meet with the Wake Delegation on Friday, February 18 for a luncheon meeting at 12:30 p.m. at the Civic Center with the City Council hosting the luncheon. He went over the Agenda for the meeting, pointing out he had asked the City Attorney to work up the Agenda for the meeting. He stated he feels we need to have some information to give out at the meeting and he would request the City Attorney to prepare a packet. He stated he also feels that we should have a Council person to present the different items and after brief discussion, he requested Mr. Jordan to present the item on annexation, the Mayor would handle the item on Downtown Development, Mr. Edwards would handle the item on acquisition and reservation of right-of-way outside the Corporate Limits and Mr. Walters would present the City's position on the Dorothea Dix matter. He indicated the attorney would be there as a resource person. He stated lunch would be served at 12:30 and the room is reserved through 2:00 p.m. It was agreed to check with the Wake Delegation to see if they have other commitments that would prohibit them from staying until 2:00 p.m.

RESEARCH TRIANGLE PARK FORUM - ADMINISTRATION TO SUPPLY INFORMATION

Mayor York indicated he had received some information relative to a Forum that will be held in the Research Triangle Park about development that will be taking place in the vicinity of Research Triangle Park. He indicated as he understands it, this Forum will be held on March 10 and the State is the sponsor. He indicated there is a lot of participation and he feels this will be a good meeting and would urge Council Members to attend. He also explained that there is a one-day follow-up retreat on April 27, entitled, "Horizons Unlimited." Mayor York indicated he had been asked to moderate one of the sessions and briefly explained the sessions. He stated he does not have all of the information but he would REQUEST THE PLANNING DIRECTOR TO GET INFORMATION AND PRESENT IT TO THE COUNCIL MEMBERS.

TREES - ON RIGHT-OF-WAY - APPRECIATION EXPRESSED

Mr. Edwards indicated he had received a letter from Norma Crosswhite expressing appreciation to the Council for enabling her to get two pines trees removed from the City of right-of-way. He indicated her letter expressed that she was impressed with the efficiency of the workers involved. The item was received as information.

HOUSING MIX AND DENSITIES - REFERRED TO THE LAW AND FINANCE COMMITTEE

Mr. Jordan indicated there are a number of items in the Law and Finance Committee relating to housing. He stated he would request THAT AN ITEM ENTITLED, "HOUSING MIX AND DENSITIES/INCREASED DENSITIES IN THE CITY," BE REFERRED TO THE LAW AND FINANCE COMMITTEE. Mr. Jordan indicated he would like for the Committee to look at ways to reduce some of the urban sprawl and support of Downtown Housing, etc. He indicated he felt there was a need to see where the housing is, what type we have and what we need and what is expected for the needs of housing in the future. Without objection, the item was referred to the Law and Finance Committee.

STREET LIGHT POLE - GARNER/EAST STREETS - REFERRED TO ADMINISTRATION

Mr. Calloway indicated some time back he requested administration to look at a utility pole at the corner of Garner and East Streets. He indicated the pole has been removed, however it was in a cement or concrete block, and that concrete block remains at the intersection. He indicated it is still causing some vision problems dealing with the turn lane movement and HE WOULD ASK ADMINISTRATION TO LOOK AT VISION PROBLEMS CREATED BY THE CONCRETE BLOCK AT THE CORNER OF GARNER AND EAST STREETS.

TRUCK PARKING - MAYWOOD AVENUE - ADMINISTRATION COMMENDED

Mr. Keller indicated at the last Council Meeting he asked administration to look into the problem of trucks parking on Maywood Avenue. He stated within three days after the Council Meeting, all trucks were gone and he would like to commend the City Manager and Administration in taking care of this problem in such a prompt fashion.

SOUTH SAUNDERS STREET - CONDITION OF RIGHT-OF-WAY - REFERRED TO ADMINISTRATION

Mr. Keller indicated everyone is aware of the improvements on South Saunders Street. He pointed out however, the right-of-way has been left in a very bad condition. He pointed out there are several buildings that have been partly removed and part are still standing pointing out this creates unsightly problems and is becoming a hang-out for vagrants, etc. He questioned who is responsible for the right-of-way and ASKED ADMINISTRATION TO LOOK INTO THE PROBLEM TO SEE IF THE CONDITION OF THE RIGHT-OF-WAY AND THE UNSIGHTLY HALF TORN DOWN BUILDING COULD BE TAKEN CARE OF.

REPORT OF CITY CLERK AND TREASURER

TAXES - REBATES AND/OR REFUNDS - RESOLUTION ADOPTED

The City Clerk reported Council Members received in their Agenda packet three proposed resolutions relating to tax rebates and/or refunds which are recommended for adoption. Approval is also recommended for the listing as submitted by the Wake County Tax Supervisor for refunds made during November and December for clerical error purposes only. Mr. Walters MOVED ADOPTION OF THE RESOLUTIONS RELATING TO TAXES AND APPROVAL OF THE LISTING AS OUTLINED BY THE CLERK. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 164

A RESOLUTION APPROVING THE FOLLOWING PROPERTY EXEMPT FROM TAXATION

WHEREAS, taxation exemption status was available for the property, listed below; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to apply for this status was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following be approved for Taxation Exempt Status according to G. S. 105-278.3:

YEAR	TAXPAYER	AMOUNT OF VALUE	RECOMMENDATION
1982	Beth Meyer Synagogue, Inc.	$22,820	Approved

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 2/15/83

RESOLUTION NO. (1983) 165

A RESOLUTION REFUNDING, ADJUSTING OR REBATING PENALTIES AND RELIEVING INTEREST FOR LATE LISTING OF PROPERTY FOR AD VALOREM TAXES

WHEREAS, pursuant to G. S. 105-331, a 10% penalty was assessed against the property owners listed below for failure to list their taxable property during the regular listing period; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to list on time was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COULNCIL OF THE CITY OF RALEIGH:

Section 1. That the 10% penalty assessed against the property of the following named persons be and the same is hereby adjusted, rebated or refunded as shown:

YEAR	TAXPAYER	ACCOUNT NO.	TAX VALUE	RECOMMENDATION
1982	Joseph Albert Belisle	01-2-5225591	$ 7,040	Relieved
1982	Suzanne Adele Benedict	01-2-5822793	5,425	Relieved
1982	Bettie Love Lachman	01-2-5017035	1,345	Relieved
1982	Carl S. & Grace C. McNair	01-2-5235305	6,658	Relieved
1982	Arthur Joseph Milne, Jr.	01-2-5918595	2,750	Relieved
1982	John Charles Ralph	01-2-5854423	4,500	Relieved
1982	Linda Satterwhite	17-2-5807126	5,800	Relieved
1983	Margaret K. Treadwell	01-8-5222732	5,315	Relieved
1982	Robert Alan Bartnick	07-2-5235408	5,265	Relieved
1982	Marvin Louis Metz	07-2-5235411	4,085	Relieved
1982	Stephen R. & Patricia H. Cotanch	01-2-5235056	7,370	Relieved
1983	John M. Carter	01-7-5237098	439	Relieved
1982	Alberto Gonzalez	01-2-5233250	2,770	Relieved
1982	Philip Andrew Gorge	01-2-5835546	5,880	Relieved
1983	Philip Andrew Gorge	01-8-5222744	200	Relieved
1982	Darrell E. & Anna T. Hewett	01-2-5228475	7,515	Relieved
1982	Edward Thomas Kearns	01-2-5843030	4,920	Relieved

YEAR	TAXPAYER	ACCOUNT NO.	TAX VALUE	RECOMMENDATION
1982	Ann Holcombe Leggitt	01-2-5222705	6,740	Relieved
1983	William Frances Moran	01-8-5222741	1,100	Relieved
1982	William Frances Moran	01-8-5849570	200	Relieved
1982	William Frances Moran	01-8-5849571	660	Relieved
1982	William Frances Moran	01-8-5849572	200	Relieved
1982	William Frances Moran	01-2-5849573	1,575	Relieved
1982	James M. Mulligan, III	01-2-5225622	4,415	Relieved
1982	Translimited II	01-1-5862324	6,500	Relieved

Section 2. That the following requests for relief be denied:

YEAR	TAXPAYER	AMOUNT
1982	Albert Hugh T. Doss, MD	$ 4,334
1982	Albert Hugh T. Doss, MD	4,504
1982	Albert Hugh T. Doss, MD	5,168
1982	Albert Hugh T. Doss, MD	4,216
1982	Albert Hugh T. Doss, MD	4,684
1982	Albert Hugh T. Doss, MD	4,504
1982	W. H. Martin, Jr., Heirs	66,049
1982	Ted Lansing Supply Co., Inc.	128,004
1982	Ted Lansing Supply Co., Inc.	96,536
1982	Ted Lansing Supply Co., Inc.	100,814
1982	Ted Lansing Supply Co., Inc.	123,533
1983	Leon's On The Mall, Inc.	40,159
1983	Piedmont Medical Associates, PA	16,762
1983	Piedmont Medical Associates, PA	18,625
1983	Charles W. Lapp, MD	21,315
1983	Charles W. Lapp, MD	14,507
1982	E. E. Burton, Jr. & Carolyn J.	100,471
1983	Carolina Processed Glass, Inc.	131,033
1982	Todd G. Engstrom	42,990
1982	Todd G. Engstrom	47,767
1982	Todd G. Engstrom	53,074
1982	Todd G. Engstrom	3,859
1982	Bruce F. King, III	17,229
1982	Bruce F. King, III	19,143
1983	Bettie R. McKaig, DDS	52,390
1983	Bettie R. McKaig, DDS	53,120
1983	Bettie R. McKaig, DDS	59,022
1983	Bettie R. McKaig, DDS	49,163
1982	National Art Interiors, Inc.	43,832
1982	National Art Interiors, Inc.	49,928
1982	National Art Interiors, Inc.	25,385
1982	National Art Interiors, Inc.	27,808
1982	National Art Interiors, Inc.	40,571

Section 3. That the City/County Tax Collector and/or the City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 2/15/83

RESOLUTION NO. (1983) 166

A RESOLUTION REFUNDING TAXES AS SET FORTH HEREIN

WHEREAS, the property tax authority of the City of Raleigh has reported to the City Council that certain taxes appearing upon the tax records of the City of Raleigh, listed below, should be refunded for the reasons given; and

WHEREAS, the City Council finds as a fact that the reason in each instance for the refund of the tax is true, and that the same should be allowed; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

YEAR	TAXPAYER	ACCOUNT NO.	AMOUNT OF REFUND	REASON FOR REFUND
1982	Capparelli, Joseph J. & Helen D.	01-2-0011509	$ 80.96	Error-Illegal Billing
1981	Capparelli, Joseph J. & Helen D.	01-2-0011509	80.35	Error-Illegal Billing
1980	Capparelli, Joseph J. & Helen D.	01-2-0011509	87.89	Error-Illegal Billing

YEAR	TAXPAYER	ACCOUNT NO.	AMOUNT OF REFUND	REASON FOR REFUND
1982	Chapman, Ned O. & Lelia S.	01-2-0012798	10.28	Error-Illegal Billing
1981	Chapman, Ned O. & Lelia S.	01-2-0012798	10.17	Error-Illegal Billing
1980	Chapman, Ned O. & Lelia S.	01-2-0012798	10.17	Error-Illegal Billing
1982	Conner, Frank H., Jr. & Patricia S. Etal	01-2-0117529	178.62	Error-Illegal Billing
1982	Gates, J. Robert	01-2-5202653	7.90	Error-Illegal Billing
1982	Kidd, Richard Henry	01-2-0020408	7.36	Error-Illegal Billing
1982	Lynch, Isobel Hubbard	11-2-0110496	20.40	Error-Illegal Billing
1981	Machine Tool & Heat Treat Service	01-1-5018560	427.52	Error-Illegal Billing
1982	Ragland, Alice M.	01-2-0058095	44.32	Error-Illegal Billing
1982	Raleigh Durham Kwik Kopy Corp.	01-1-5183662	65.20	Error-Illegal Billing
1982	White, Sylvester Adolphus, Jr.	01-8-5864949	5.17	Error-Illegal Billing
1982	Wilkinson, Jospeh E.A. & Cheryl A.	01-2-5230600	12.05	Error-Illegal Billing
1982	Geneva Cox	01-2-0048880	7.66	Error-Illegal Billing
1982	Curry, Joseph J. Jr., & Barbara S.	01-2-0016337	28.58	Error-Illegal Billing
1982	Fleming, Joy Hodge & R. Brent	07-2-5208352	45.12	Error-Illegal Billing
1982	Harris, William H. & Carolyn N.	01-2-0028974	10.54	Error-Illegal Billing
1982	McPhaul, Teresa Hicks	01-2-5216405	11.99	Error-Illegal Billing
1981	Yates, Louis Douglas	01-2-5741863	111.98	Error-Illegal Billing
1980	Yates, Louis Douglas	01-2-5741863	4.75	Error-Illegal Billing
1980	Yates, Louis Dougals & Colleen Spence	01-2-5741862	56.56	Error-Illegal Billing
1980	Yates, Louis Douglas	01-8-5205246	63.80	Error-Illegal Billing

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 2/15/83

PRELIMINARY ASSESSMENT ROLLS 992 AND 991 - RESOLUTIONS ADOPTED

The City Clerk presented the following PRELIMINARY ASSESSMENT ROLLS WHICH ARE RECOMMENDED FOR ADOPTION WHICH WOULD SET A PUBLIC HEARING TO CONSIDER CONFIRMATION OF COST ON MARCH 15, 1983:

Sewer AR 992 - Brookside Drive
Sewer AR 991 - Sewer Main in the Brookhaven/Deblyn Park vicinity

Mr. Jordan MOVED ADOPTION OF THE PRELIMINARY ASSESSMENT ROLLS AS RECOMMENDED. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 167

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SEWER ASSESSMENT ROLL NO. 991

WHEREAS, by Resolution No. 1980-277 adopted by the City Council on July 15, 1980 the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statues of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make and assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed: Installation of approximately 17,894 lineal feet of 8-inch sanitary sewer main in Brookhaven-Deblyn Park vicinity as shown on map drawn by John A. Edwards and Company, entitled "Proposed Sanitary Sewer to Serve Brookhaven-Deblyn Park Outfall Layout Section I"

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $269,516.38.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Aticle 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is front foot method for city park and school board property and per lot method for all residential property.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Copuncil under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	AMOUNT ASSESSED
Walter E. & Nancy Ballinger	1	0003789	132	$ 1,697.45
Arnold G. & Alda Doby	2	0049142	131	1,697.45
E. Stephen Stroud	3	0068593	130	1,697.45
Cromwell G. & Ester Roskamp	4	0062700	129	1,697.45
Hortense B. Bullock	5	0009903	128	1,697.45
Martha B. D. Carlsen	6	0018678	123	1,697.45
Alston & Elizabeth Grimes	7	0026779	122	1,697.45
John C. & Melba Smith	8	0065200	121	1,697.45
Joseph O. & Barbara Hannibal	9	0016687	120	1,697.45
J. Fredrik Danielson II	10	0016687	15	1,697.45
J. Fredrik Danielson II	11	0016687	14	1,697.45
J. Fredrik Danielson II	12	0016687	13	1,697.45
William D. & Marianne Reynolds	13	0059534	12	1,697.45
Clinton B. & Lucille Galphin	14	0024107	11	1,697.45
John D. Phillips	15	0055245	10	1,697.45
Louis E. Wooten, Jr. & Etal.	16	0099284 0084726	-	1,697.45
Connilius M. Vanstory	17	0072620	119	1,697.45
Joseph R. Ellen, Jr.	18	0020575	118	1,697.45
Marie Cannon	19	0059489	117	1,697.45
Christopher W. & Virginia Holtz	20	0032718	116	1,697.45
Mrs. Pirkko A. L. Barber	21	0004004	115	1,697.45
Franklin D. & Marcia Matthews	22	0044847	114	1,697.45
Edward & Mary Warga	23	0071471	113	1,697.45
William J. Deerhake	24	0017681	127	1,697.45
Alireza & Moham Gholizadeh	25	0065720	126	1,697.45

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	AMOUNT ASSESSED
Jacob A. Pearce	26	0053685	125	1,697.45
Ernest O. & Geraldine Hall	27	0027777	124	1,697.45
William C. & Patricia Sargent	28	0043982	9	1,697.45
Joseph E. & Jessie Barnes	29	0004474	8	1,697.45
Elliot D. & Laurie Engel	30	0050531	7	1,697.45
Thomas J. & Mary Parker	31	0052995	6	1,697.45
T. W. & Dorothy Brand	32	0055540	5	1,697.45
William R. & Eileen Breazeale	33	0055538	4	1,697.45
Earl E. Burton & Ruby	34	0010555	3	1,697.45
Forrest & Mildred Wright	35	0020829	2	1,697.45
Robert E. & Nettie Wood	36	0079221	111	1,697.45
William M. Lewis	37	0041962	110	1,697.45
Paul M. & Joan Wright	38	0020245	109	1,697.45
Paul M. & Joan Wright	39	0020244	108	1,697.45
Richard C. & Alma Davis	40	0033626	107	1,697.45
Marion M. Fuller, Jr.	41	0023762	106	1,697.45
Sam B. and Beverly Walker	42	0074495	105	1,697.45
Thomas E. Burnett	43	0106756	103A	1,697.45
Stanley & Elizabeth Trustman	44	0053359	103	1,697.45
Robert A. & Jacqueline Richman	45	0040106	102	1,697.45
Farmer S. Smith	46	0064911	101	1,697.45
J. R. Ogburn	47	0051892	19	1,697.45
Jessie C. & Alma Barber	48	0003985	18	1,697.45
James E. & Elizabeth Morton	49	0049296	17	1,697.45
Lawrence C. Peek	50	0053995	16	1,697.45
Oliver L. & Frankye Spainhour	51	0066255	15	1,697.45
F. Kent & Anne Burns	52	0010425	14	1,697.45
Howard R. & Dorothy Holaday	53	0020948	13	1,697.45
James & Alein Noulis	54	0079887	12	1,697.45
Helen B. Britt	55	0008435	11	1,697.45
Amelia Grimes	56	0026784	10	1,697.45
Donald J. & Dianne Cate	57	0012402	9	1,697.45
Bernadine Weddington	58	0075368	8	1,697.45
Harold B. & Louise Wall	59	0073671	7	1,697.45
Thomas & Bobbie Brosnahan	60	0019824	6	1,697.45

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	AMOUNT ASSESSED
Thomas & Bobbie Brosnahan	61	0019824	5	1,697.45
Edward & Pat Cole	62	0013945	1	1,697.45
Willard P. & Aldith Croom	63	0015958	95	1,697.45
Richard & Linda Wargin	64	0036518	94	1,697.45
Vance & Ann Ipock	65	0039270	93	1,697.45
Valentine Mitchell	66	0047881	79	1,697.45
Issac T. & Dorothy Littleton	67	0042386	78	1,697.45
Walter H. Hill	68	0030943	77	1,697.45
Billy & Jo Anne Batten	69	0004997	76	1,697.45
William A. Wilkerson, Jr.	70	0077025	75	1,697.45
Robert Leon Shaw	71	0063599	74	1,697.45
Louis E. Raynor	72	0058995	73	1,697.45
Lawrence B. McGee	73	0045865	72	1,697.45
Howard A. & Barbara Merrick	74	0046966	71	1,697.45
S. M. Blount, Jr.	75	0006671	70	1,697.45
Amedeo R. & Elizabeth DeAngelis	76	0007800	20	1,697.45
Douglas Garland, Jr.	77	0043225	104	1,697.45
A. Daylon Rogers	78	0060823	4	1,697.45
James H. & Jean Edwards	79	0069231	3	1,697.45
Russell C. Goodwin	80	0069230	2	1,697.45
Tracy L. & Janice Hartford	81	0029126	85	1,697.45
Jack & Sue Preston	82	0039573	84	1,697.45
Charles D. & Sandra Harrison	83	0039574	83	1,697.45
James C. & Anne Hart	84	0074987	82	1,697.45
Sam & Mary Harmon	85	0028422	81	1,697.45
Robert & Lynda Kelly	86	0018104	80	1,697.45
Jerry W. Ellisburg	87	0035102	92	1,697.45
Nakhleh P. Doris Zarzar	88	0080711	91	1,697.45
Thomas B. Sanders, Jr.	89	0062168	86	1,697.45
Anthony & Rose Delisse	90	0017731	90	1,697.45
Authur K. Watkins	91	0077030	89	1,697.45
Robert A. & Emily Goode	92	0055118	88	1,697.45
Roy J. & Doris Smith	93	0065553	27	1,697.45
David C. Worth	94	0079682	26	1,697.45
Crisman & Virginia Jones	95	0015919	25	1,697.45
Walton Burton James, Sr.	96	0030036	24	1,697.45
Walton Burton James, Sr.	97	0030035	23	1,697.45
Claude M. Holliday	98	0013823	22	1,697.45

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	AMOUNT ASSESSED
C. A. & Megan Jurgens, Jr.	99	0071397	21	1,697.45
S. M. Blount, Jr.	100	0006672	69	1,697.45
Thomas J. Logan	101	0020939	68	1,697.45
Melford Mann Jr. & Ilse	102	0047399	67	1,697.45
Betty L. Smith	103	0064631	66	1,697.45
Edward & Nora Hemby	104	0065146	51	1,697.45
Hudson W. & Elizabeth Shoulars	105	0064002	52	1,697.45
Richard B. Fields	106	0022114	53	1,697.45
Rick R. & Judy Kamm	107	0009208	54	1,697.45
Julian M. Lynch	108	0043169	55	1,697.45
William E. Anderson	109	0001940	56	1,697.45
Stella H. Dollar	110	0018569	57	1,697.45
Cedric B. Goodwin	111	0025671	58	1,697.45
Cedric B. Goodwin	112	0025674	41	1,697.45
Bobby C. Davis & Wife	113	0016820	59	1,697.45
Frank W. Arnold & Elsie	114	0002208	60	1,697.45
Samuel H. & Ann Johnson	115	0036356	61	1,697.45
Phillip N. Nance	116	0050066	62	1,697.45
Aubert C. Snow	117	0065880	63	1,697.45
Frank T. Smith	118	0064918	64	1,697.45
Edwin R. & Ruth Green	119	0026169	65	1,697.45
Cleon F. Thompson	120	0051723	87	1,697.45
Bobby L. & Jacqueline Murray	121	0049700	1	1,697.45
W. R. & Christine Johnson	122	0025676	2	1,697.45
Martin & Mary Hines	123	0025677	3	1,697.45
George J. Nassef, Sr.	124	0038881	29	1,697.45
Thomas S. & Sara Brower	125	0008843	28	1,697.45
Gladys H. Harris	126	0028811	1	1,697.45
Mary J. Walton	127	0074052	112	1,697.45
Jean M. Whitehurst	128	0076324	50	1,697.45
Earl K. & Geraldine Swann	129	0069054	49	1,697.45
Marvin R. Miller & Denise Watson	130	0076826	48	1,697.45
William A. & Louise Wilson	131	0078557	47	1,697.45
Marion C. Penney	132	0054230	46	1,697.45
John R. & Wanda Canada	133	0020335	45	1,697.45
Cedric B. Goodwin	134	0025672	44	1,697.45

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	AMOUNT ASSESSED
Cedric B. Goodwin	135	0025673	43	1,697.45
Cedric B. Goodwin	136	0025675	42	1,697.45
City of Raleigh	137	0113390	-	37,719.98
Wake County Board of Education	138	0102372	-	943.20

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessemnt Roll No. 991 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 15th day of March, 1983 at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 2/15/83

RESOLUTION NO. (1983) 168

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SEWER ASSESSMENT ROLL NO. 992

WHEREAS, by Resolution No. 1982-909 adopted by the City Council on May 4, 1982, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed: Installation of approximately 114 feet of 8-inch sewer main adjacent to Brookside Drive on the east side within an easement from the outfall south of Vale Street, southward.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $796.20.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is per lot.

Section 4. That the following assessments are hereby declared against abutting property as follows: According to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	AMOUNT ASSESSED
John R. Adams	1	0058284		$ 796.20

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 992 is hereby ordered filed in te Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 15th day of March, 1983 at 7:00 p.m. in the Council Chamber, Municipal Builidng in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 2/15/83

MINUTES - FEBRUARY 1, 1983 - APPROVED AS PRESENTED

The City Clerk indicated Council Members received copies of the Minutes of the February 1, 1983 Council Meeting. There being no corrections, MAYOR YORK ANNOUNCED THE MINUTES APPROVED AS PRESENTED.

REPORT OF MAYOR AND COUNCIL MEMBERS - CONTINUED

EXECUTIVE SESSION - HELD

Ms. Babb indicated she had some comments she would like to make and WOULD MOVE THAT THE CITY COUNCIL GO INTO EXECUTIVE SESSION TO DISCUSS A PERSONNEL PROBLEM AND WOULD REQUEST THAT THE CITY MANAGER AND CITY ATTORNEY BE IN ATTENDANCE AT THE EXECUTIVE SESSION. Without objection, the Council went into executive session at 4:40 p.m. in the old Council Office.

The City Council reconvened in open session at 5:05 p.m. and Mr. Edwards MOVED THAT THE MEETING ADJOURN TO BE CONTINUED AT 7:00 P.M. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. THE MAYOR RULED THE MEETING ADJOURNED AT 5:05 P.M.

Gail G. Smith
City Clerk and Treasurer

jt/CCFIVE/CCSIX

WASTEWATER TREATMENT PLANT EXPANSION - PHASE I - BIDS AWARDED TO CRAIN AND DENBO, INCORPORATED, J. W. CAMPBELL ELECTRIC CORPORATION; HEATING AND VENTILATION BID TO BE RE-ADVERTISED

BID TABULATION

CANVASS OF BIDS

Neuse River Wastewater Treatment Plant
40 MGD Expansion - Phase I
Raleigh, North Carolina

Bids Opened February 3, 1983 at 2 PM

Contract No. 1A - General Construction

	Bid Item No. 1	Bid Item No. 2	TOTAL LUMP SUM BID Bid Item No. 1 plus No. 2
Crain and Denbo, Inc. Durham, NC 27704	6,136,700.00	80,000.00	6,216,700.00
Prime Constructors Inc. Monroe, NC 28110	6,298,000.00	67,080.00	6,365,080.00
Lee Construction Co. Charlotte, NC 28203	6,427,337.00	52,400.00	6,479,737.00
James E. Cox Const.,Inc. Charlotte, NC 28209	6,459,673.00	40,000.00	6,499,673.00
D.R. Allen & Son, Inc. Fayetteville, NC 28302	6,473,000.00	80,000.00	6,553,000.00
Wrenn-Wilson Const. Co. Durham, NC 27702	6,679,000.00	88,000.00	6,767,000.00
English Construction Co. Altavista, VA 24517	6,686,400.00	60,000.00	6,746,400.00
Republic Contracting Columbia, SC 29290	6,731,000.00	80,000.00	6,811,000.00
Crowder Construction Co. Charlotte, NC 28230	6,917,000.00	52,000.00	6,969,000.00
Pendley Constructors Bristol, TN 37625	6,993,000.00	49,000.00	7,042,000.00

Contract No. 1B - Electrical

	TOTAL LUMP SUM BID
J.W. Campbell Electric Wilson, NC 27893	593,577.00
Live Wire Electric Co. Goldsboro, NC 27530	603,880.00
Bryant-Durham Electric Durham, NC 27705	619,000.00
Hayes & Lunsford Electric Asheville, NC 28803	662,424.00
Watson Electric Const. Wilson, NC 27893	687,961.00
Port City Electric Co. Mooresville, NC 28115	842,000.00

Contract No. 1C - H&V

Mechanical Associates Cary, NC 27511	Not Opened

CERTIFIED CORRECT

Gordon C Ruggles

HAZEN AND SAWYER, P.C.

HAZEN AND SAWYER
ENGINEERS

MAILING ADDRESS: P. O. BOX 30428
OFFICE LOCATION: 308 COTTON BUILDING

RALEIGH, NORTH CAROLINA 27622
4505 CREEDMOOR ROAD

(919) 782-8333
CRABTREE VALLEY

February 7, 1983

Mr. J.R. Butler, P.E.
Director of Public Utilities
City of Raleigh
P.O. Box 590
Raleigh, North Carolina 27602

Re: Recommendation for Contract Award
Neuse River WWTP
H&S No. 9950

Dear Mr. Butler:

We have completed our review of the bid documents received for the above project on February 3, 1983 at 2:00 p.m. in the Council Chambers. There were ten bidders that submitted proposals for Contract No. 1A - General Construction, six bidders that submitted proposals for Contract No. 1B - Electrical and one bidder for Contract No. 1C - Heating and Ventilation (not opened).

Based upon our review of the proposals, qualifications of the low bidders, etc. we hereby make the following recommendations;

Contract No. 1A - General Construction - We recommend that the City accept the low bid submitted by Crain & Denbo, Inc., Durham, North Carolina of six million, two hundred sixteen thousand, seven hundred dollars ($6,216,700). This is the total lump sum bid for bid item No. 1 plus bid item No. 2 (pavement addition). There were nine other bidders for this contract with prices ranging from the above to $7,042,000. The bids were very close and reflective of current economic conditions.

Contract No. 1B - Electrical - We recommend that the City award this contract to the low bidder, J.W. Campbell Electric Corporation, Wilson, North Carolina in the amount of five hundred, ninety-three thousand, five hundred seventy-seven dollars ($593,577). There were five other proposals submitted ranging from the above up to $842,000. The bid grouping was very tight (with the exception of the high bidder) reflecting good price competition.

PROPOSAL REVIEW SUMMARY

ATTACHMENT TO RECOMMENDATION OF AWARD
NEUSE RIVER WASTEWATER TREATMENT PLANT
RALEIGH, NORTH CAROLINA

The following comments are made respective to the review of contractors proposal forms and information contained therein as it relates to the above project;

Contract No. 1A - General Construction

Crain & Denbo - All information required in the proposal seems to be in order (financial statement recieved subsequent to bid).

Prime Constructors, Inc. - All proposal forms seem to be in order.

Lee Construction Co. - All proposal forms seem to be in order.

James E. Cox Construction - All proposal forms seem to be in order.

D.R. Allen & Son, Inc. - All proposal forms seem to be in order.

Wrenn-Wilson Construction Co. - All proposal forms seem to be in order.

English Construction Co. -All proposal forms seem to be in order.

Republic Contracting - Addenda Nos. 1 & 2 not acknowledged on page P-1, but acknowledged on enclosed copies of addenda. Page P-7 & 8, Bid Security and Proposal signature spaces not filled in. This could possibly be ruled an informality. All other proposal forms appear acceptable.

Crowder Construction Co. - All proposal forms seem to be in order.

Contract 1B - Electrical

J.W. Campbell - Proposal page P-1 indicates phone receipt of Addendum No. 3 of which there is none, this should be ruled an informality. Proposal page P-17, financial statement

indicated to be provided under separate cover and subsequently received in our office. All other proposal forms appear to be in order.

Live Wire Electric Co. - Page P-1 of the Proposal not filled in. Page P-7 and 8 not filled in, page P-17 and 18 not filled in. These items may be considered informalities and waived and this bid considered responsive.

Bryant-Durham Electric - Proposal page P-7 and 8 not filled in. This could be considered an informality. Other proposal forms appear to be complete.

Hayes and Lunsford Electric - Page P-1 of Proposal does not acknowledge Addendum No. 2 which should be ruled an informality. Page P-7 and 8 not filled in. Page P-11, 12, 13, 14, 15, 16, 17 and 18 not filled in. This proposal could be considered non-responsive and rejected or legitimate with a number of informalities noted.

Watson Electrical Construction Co. - All proposal forms appear to be in order.

Port City Electric Co. - Receipt of Addendum No. 1 and 2 not noted on page P-1. This can be ruled an informality, all other forms appear to be in order.

Contract No. 1C - Heating and Ventilation

Only one bid was received, that from Mechanical Associates, Cary, North Carolina. In that three proposals are required to open bids, their submittal was returned. We suggest the City consider readvertising this contract in the near future. This will have no impact on the award of the other two contracts.

In summary, all proposals received with the possible exception of the one from Hayes and Lunsford Electric, may be considered responsive, in our opinion, with forms that were noted above as incomplete being ruled informalities. Hazen and Sawyer will hold the proposals until an award is made.

Gordon C. Douglas

HAZEN & SAWYER, P.C.

The City Council of the City of Raleigh met in a regular convened meeting at 7:00 p.m. on Tuesday, February 15, 1983 in the City Council Chambers with the following present:

Mayor York, Presiding
Ms. Babb (arrived late)
Mr. Calloway
Mr. Edwards
Mr. Keller
Mr. Walters
Mr. Jordan (absent and excused)
Mr. Upchurch (absent and excused)

Mayor York called the meeting to order indicating Mr. Jordan and and Mr. Upchurch was sick and unable to attend the meeting and WITHOUT OBJECTION THEY WOULD BE EXCUSED FROM THE MEETING.

REQUESTS AND PETITIONS OF CITIZENS

PA-136 - ASHE PLACE CONDOMINIUMS - APPROVAL AMENDED

David M. Smoot indicated he owns some property on Ashe Avenue that is composed of 4 lots. He indicated he presented a plan approval - PA-136 which was approved by the City Council with certain conditions. He indicated one of the conditions was that all interior lot lines be removed and the total property become one lot. He indicated he was at the meeting to ask that he be allowed to have two lots, pointing out the purpose is so that he can build a four unit accessory building that he will use as a sales office so everyone will know what they are buying. He indicated the one lot would meet all subdivision requirements and would contain 8,000 square feet. He indicated he had spoken to the Attorney's Office, Public Utilities, and the Department of Transportation and they expressed to him that it would be no problem, but he would not speak for them. He stated this has already been presented at subdivision review. City Manager Zachary indicated the Planning staff has reviewed Mr. Smoot's request to modify PA-136 - Ashe Place Condominiums, and indicate while the change is substantial, it appears to involve mainly a matter of timing of construction. Each phase proposed appears to meet concerns of the Planning Department in assuring compliance with the zoning and subdivision requirements. Mr. Edwards MOVED APPROVAL OF THE CHANGE OF THE REQUEST AS PRESENTED BY MR. SMOOT. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

NORTH CAROLINA HOUSING FINANCE AGENCY - 96 UNIT COMPLEX IN NORTH BOULEVARD CENTER SUBDIVISION - RESOLUTION ADOPTED

Ted Royall, representing Fralin and Waldron, Incorporated, had requested the Council to adopt a resolution relating to financing by the North Carolina Housing Finance Agency of a 96-unit apartment complex in the North Boulevard Center Subdivision. Lawrence Wray indicated Mr. Royall called and indicated he could not be here. He indicated this complex is in the northeast allocation area and is a non-subsidizing housing project. The proposal is exempted from the City's scattered site project. Mr. Walters questioned how many subsidized units there would be with Mr. Wray indicating there are no subsidized units. Lengthy discussion took place as to why these matters keep coming to Council, what the Council is doing when they approve them, the number of units to be built, rent, etc.

MS. BABB ARRIVES AT THE MEETING AT 7:20 P.M.

After lengthy discussion as to what this program is all about, City Manager Zachary indicated a representative of the North Carolina Housing Finance Agency has indicated they would be glad to come to the Council and explain their program and answer any questions. After brief discussion, Mr. Edwards MOVED ADOPTION OF THE RESOLUTION REQUESTED IN CONNECTION WITH THE COMPLEX IN NORTH BOULEVARD CENTER SUBDIVISION AND REQUESTED A REPRESENTATIVE OF THE NORTH CAROLINA HOUSING FINANCE AGENCY TO COME TO A SUBSEQUENT MEETING AND EXPLAIN THEIR PROGRAM. His motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative except Mr. Walters who voted in the negative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 169

RESOLUTION REQUESTING AND APPROVING THE PARTICIPATION OF THE NORTH CAROLINA HOUSING FINANCE AGENCY IN THE FINANCING OF A HOUSING PROJECT TO BE LOCATED IN THE CITY OF RALEIGH, NORTH CAROLINA.

BE IT RESOLVED BY THE CITY COUNCIL (Governing Body) OF THE CITY (City, Town or County) OF RALEIGH:

SECTION 1

The participation of the North Carolina Housing Finance Agency (The Agency) in the financing of the proposed housing project for occupancy by persons and families of lower income (as defined by the Agency) described below and located at North

Boulevard Center Subdivision (Address) in the City (City, Town or County) of Raleigh is hereby requested and approved pursuant to G.S. 122A-5(1):

Description of Proposed Project:

96 unit apartment complex in the North Boulevard Center Subdivision

SECTION 2

This resolution will take effect upon its passage. Thereupon, upon motion of Councilman Edwards, Seconded by Councilman Calloway, the foregoing resolution was passed by the following vote:

Ayes: Mayor York, Ms. Babb, Mr. Edwards, Mr. Keller, Mr. Calloway

Absent: Mr. Upchurch, Mr. Jordan

Noes: Mr. Walters

****

I Brenda N. Anderson, Deputy Clerk of the City of Raleigh, North Carolina DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the City Council (Governing Body) of said City of Raleigh (City, Town or County) at a meeting held on February 15, 1983, as related in any way to the passage of a resolution requesting and approving the participation of the NORTH CAROLINA HOUSING FINANCE AGENCY in a housing project to be located in said City (City, Town or County), and that said proceedings are recorded in Minute Book number 35 of the minutes of said City Council (Government Body), beginning at Page _____ and ending at Page _____.

I hereby further certify that due notice of said meeting was given pursuant to G.S. 143-318.8.

WITNESS my hand and the Corporate Seal of said City of Raleigh (City, Town or County), this 23rd day of February, 1983.

/s/ Brenda N. Anderson
Deputy Clerk

ENCROACHMENT - 113 WEST HARGETT STREET - APPROVED CONDITIONALLY

John L. Reitzel, Jr., of HealthWays, Incorporated, was at the meeting to request permission to encroach on the right-of-way at 113 West Hargett Street to erect a 4 x 6 foot lighted plexiglass sign. He indicated there is an existing marque and he wants to be allowed to place the sign on top of the marque. Discussion took place as to whether this is a conforming sign, with City Manager Zachary pointing out he did not have complete information from the Inspections Department. He indicated the Inspections Division has stated they do not object if the sign meets all of the ordinances and codes. Brief discussion took place, after which Mr. Edwards MOVED APPROVAL OF THE ENCROACHMENT CONTINGENT UPON THE REQUESTED SIGN MEETING ALL CRITERIA AND APPROVAL BY THE CITY ADMINISTRATION. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

CAPITAL CITY TRAIL - REQUEST FOR SUPPORT - APPROVED IN CONCEPT - REFERRED TO ADMINISTRATION

Mrs. David Worth, representing the Woman's Club of Raleigh was at the meeting and explained in 1962/63 the Woman's Club along with the Raleigh Historic Sites Commission, the Raleigh Tourist and Convention Association, Raleigh Chamber of Commerce, and City of Raleigh's Planning Department developed the Capital City Trail which became a reality on February 21, 1963. She explained the Capital City Trail, how it was utilized and the fact that because of growth, demolition of buildings, re-routing of streets, etc., the Capital City Trail needed help. She explained the efforts of various groups that have come together to look at the Capital City Trail and to see if it needed to be continued. She indicated the group unanimously said that they thought that the Capital City Trail should be restored and utilized. She explained the work that had gone on and pointed out she was before the City Council to apprise the Council of the Woman's Club efforts to reestablish the trail and to request that the City Council officially establish a fund to receive monies which are being collected by the Woman's Club to defray the cost of the project. She stated they are also requesting the Council to authorize the City's Department of Transportation to make and install the necessary signs which would be a part of this trail and to request the Department of Transportation to work with the Woman's Club Committee in determining the proper placement of any signs on public right-of-way. She stated they are also requesting that the City seeks authorization from the State Department of Transportation for permission to locate these signs on any state roads that may be involved and would further ask the Council to authorize the proper department of the City to keep the Capital City Trail fund as a special on-going fund, receiving from individuals and groups, monies with which to keep the project

updated and that some agency such as the Historic Sites, or Property Commission or other be given the responsibility for keeping the Capital City Trail brochure current. She indicated the estimated cost of the project is approximately $7,500 and to date they have received donations in the amount of $5,100. She indicated the Travel and Convention Bureau of the Raleigh Chamber of Commerce has accepted responsibility with respect to the replenishment of the supply of brochures for the Club as needed for a five year period at which time there will be a discussion and a re-evaluation of the program. She stated they believe the impact of the project on Raleigh will help develop an historic trail comparable to those in other large cities, encourage tourism for the capital city area, promote increased pride on the part of the citizens of the capital city, provide useful material to the Visitor Center, Civic Center and others, and acquaint newcomers, students, and visitors with Raleigh's history and special places of interest. Mayor York indicated obviously there has been a tremendous amount of work to re-establish the Capital City Trail with a lot of community involvement. Brief discussion took place, after which, Mayor York suggested THAT THE CITY COUNCIL APPROVE MRS. WORTH'S PRESENTATION IN CONCEPT AND ASK THE CITY MANAGER TO WORK OUT THE DETAILS AND REPORT BACK AT THE NEXT COUNCIL MEETING IF POSSIBLE. Mr. Edwards moved the recommendation as outlined by the Mayor be upheld. His motion was seconded by Mr. Walters and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

SOUTHEASTERN MASTERS DISTANCE JAMBOREE - UTILIZATION OF CITY STREETS - APPROVED WITH CONDITIONS

The Parks and Recreation Department of the City of Raleigh would like permission to conduct the Southeastern Masters Distance Jamboree on Sunday, May 8, 1983 from 6:00 a.m. to 11:00 a.m., and utilize City streets. Council Members received in their Agenda packets a copy of the route that will be utilized and City streets involved. City Manager Zachary indicated the Police Department has looked into this request and have no objections to this event being conducted along City streets. The sponsors have agreed to employ four off-duty police officers and to provide, install and remove any necessary barricades. Mr. Calloway MOVED THAT THE PARKS AND RECREATION DEPARTMENT BE AUTHORIZED TO UTILIZE CITY STREETS ON SUNDAY, MAY 8, 1983 FOR THE SOUTHEASTERN MASTERS DISTANCE JAMBOREE WITH THE CONDITIONS AS OUTLINED BY THE MANAGER. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

EXCESSIVE WATER BILL - NO ACTION TAKEN

Mr. and Mrs. Edward O'Sullivan had requested permission to discuss the Council's denial of an adjustment of the water bill at 7905 Hardwick Drive and request another vote on the item. Mr. nor Mrs. O'Sullivan were at the meeting, therefore the item was removed from the Agenda with no action taken.

NONCONFORMING USE - 328 SMITHFIELD STREET - REMOVED FROM THE AGENDA

Malcolm McGhee had requested permission to discuss problems with a nonconforming use at 328 Smithfield Street. Mr. Walters indicated that this item has been withdrawn from the Agenda, therefore no action was taken.

PUBLIC NUISANCE COST CONFIRMATION - 2708 WYNCOTE STREET - NO ACTION TAKEN

Victor Okah, owner of property at 2708 Wyncote Street was at the meeting indicating that the City had confirmed charges for abating nuisances on this property. He indicated he purchased the property about two years ago in the winter time and the property was covered with vegetation. He stated he was going to clean it up when it got to be warmer weather. He stated however he did not know that all of the property belonged to him. He stated he cleaned up part of it but did not clean the rest because he did not want to jeopardize the health of his family by sending them out in the cold weather to cut the grass. He gave a detailed history of the matter and indicated he was at the Council to ask that they waive the public nuisance cost confirmation charge. Housing Inspections Supervisor Bartholomew indicated the Law and Finance Committee has discussed this matter in detail. He indicated when the City required Mr. Okah to clean his property, several property owners in the immediate area were required to do the same. He indicated everybody else clean their property and Mr. Okah started but did not finish. Lengthy discussion took place with Council Members indicating they were sympathetic, however they did not feel that they could do anything to relieve the cost as confirmed by the Council.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

UNFIT BUILDING - 1119 HOLMES STREET - REPEALER ORDINANCE ADOPTED

Housing Inspections Supervisor Bartholomew indicated Ordinance 1982-915 declared the dwelling at 1119 Holmes Street unfit. He indicated the two families have been relocated and the building has been vacated and closed. He stated prior to a new occupancy permit being issued, the work will have to be done, therefore this ordinance should be repealed. Mr. Edwards MOVED ADOPTION OF A REPEALER ORDINANCE RELATING TO ORDINANCE 1982-915 AS IT RELATES TO 1119 HOLMES STREET. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 68

AN ORDINANCE REPEALING A PORTION OF ORDINANCE NO. (1982) 915 RELATING TO THE PROPERTY OF LOUELLA UPCHURCH, LOCATED AT 1119 HOLMES STREET, RALEIGH, NORTH CAROLINA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That part of Ordinance No. (1982) 915 relating to the property of Louella Upchurch, located at 1119 Holmes Street, and directing that the dwelling thereon be placarded or demolished is hereby repealed.

Section 2. It is the intent of this ordinance that no other portion of said Ordinance No. (1982) 915 be affectd in any manner whatsoever by the adoption of this ordinance.

Section 3. That a certified copy of this ordinance be recorded in the office of the Wake County Register of Deeds.

Section 4. This ordinance shall be effective February 15, 1983.

Adopted: 2/15/83

MATTERS SCHEDULED FOR PUBLIC HEARING

UNFIT DWELLINGS - 207 HECK STREET - WITHDRAWN; 1113 CARLISLE STREET - REFERRED TO THE LAW AND FINANCE COMMITTEE

This was a hearing to consider adoption of an ordinance finding the following dwellings unfit and directing that they be placarded. The Mayor opened the hearing on each case:

207 Heck Street - Charles V. and Pearl Holland - Property Owner. Housing Inspections Supervisor Bartholomew requested that this item be withdrawn from the item. Without objection, the item was withdrawn.

1113 Carlisle Street - Dr. Odechi Boaz M Aal Anubiaimhotepokorohamz and Dr. Ngozi Aal Anubiaimhotepokorohamz, Property Owner. The property owners were at the meeting and reported all violations have been taken care of except the window in Apartment B. The property owner indicated when the apartment was added on, it was approved with the windows that are there, so the does not see why he has to replace them but is willing to do so. He indicated the steps have been repaired. The other property owner indicated all items have been corrected. She pointed out when the house was built, that the upstairs was to be utilized for a home base business storage area. She indicated they intended to use that space for that purpose and that purpose only. She indicated one time when the inspector was at the house, there was no electricity, but that is because the bill was not paid. Housing Inspections Supervisor Bartholomew indicated part of the repairs have been taken care of. He stated however at about 4:00 p.m. this afternoon he found that there were more problems than he was aware of at this situation. He pointed out this property is zoned Residential-6 and in 1978 the owners appeared before the Board of Adjustment for a home occupation for a photo business. He indicated no other dwellings units have been approved for this location, however since that time, the building has been turned into a three family dwelling unit. Mr. Bartholomew indicated he would like to request that this matter be referred to Committee for further study. He indicated what the Board of Adjustment approved is not what is occurring at this residence. He stated this puts the City in a position of if we require the property owner to renovate the dwelling unit and bring them up to standard, there would still be a zoning problem. He stated there is no source of heat in the upstairs unit except an electric heater. He stated about three weeks ago, there was no water at this facility. The property owner indicated the unit was approved as a limited home business. He indicated his mother lives in the upstairs unit and she moved in about two years ago for a temporary stay. He indicated they do have problems and have not been able to relocate his mother. The lady indicated that her husband has had a hard time trying to convince his mother that she is not allowed to stay at the house. She indicated they have had the police to come out, they have located other facilities, but she would not move, etc. She stated they have a problem they do not know how to handle. She pointed out it was meant for her mother-in-law to stay in the upstairs apartment for only a short time. After which BY GENERAL CONSENSUS, THE REQUEST TO DECLARE THE DWELLING AT 1113 CARLISLE STREET UNFIT WAS REFERRED TO LAW AND FINANCE COMMITTEE.

ANNEXATION - MINE VALLEY PUD - APPROVED - EFFECTIVE FEBRUARY 28; RESOLUTION ADOPTED PLACING PROPERTY IN AN ELECTORAL DISTRICT A

This was a hearing to consider the contiguous annexation of Mine Valley PUD. The hearing is pursuant to petition, advertisement and notification as required by law. Planning Director Chapman explained the area to be annexed, etc. He indicated if the Council so desires, administration WOULD RECOMMEND THAT THE PROPERTY BE ANNEXED EFFECTIVE FEBRUARY 28, 1983, AND THAT A RESOLUTION BE ADOPTED PLACING THIS PROPERTY

IN ELECTORAL DISTRICT A. The Mayor opened the hearing to the public, no one asked to be heard, thus the hearing was closed. Mr. Edwards MOVED ADOPTION OF AN ORDINANCE ANNEXING THE PROPERTY EFFECTIVE FEBRUARY 28, AND ADOPTION OF A RESOLUTION PLACING THE PROPERTY IN ELECTORAL DISTRICT A. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 69

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALIEGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS MINE VALLEY PUD

WHEREAS, pursuant to provisions of Section 160A-31 of the General Statutes of North Carolina, public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on February 15, 1983, at 7:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, no petition was filed at said meeting of the City Council objecting to the annexation of said territory and asking that an election be held thereon; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of February 28, 1983:

MINE VALLEY PUD

BEGINNING at a point in the existing city line; said point lying in the eastern right-of-way line of Lead Mine Road and being the northernmost corner of Yester Oaks Phase 1 as recorded in Plat Book 1981 at Page 837; thence along the existing Raleigh City Limit line (January 1, 1983) as it borders Yester Oaks, Mine Valley Sections 5, 6, 7, and 8, and the City of Raleigh Greenway 6,226.54 feet ± to a point, said point being the northeast corner of Lot 249; as shown on a map of Mine Valley by Evans Engineering, Inc., dated January, 1981 and revised February, 1981; thence along the northern boundary line of Mine Valley Subdivision N89° 23' 45" W 992.31 feet to a point in the eastern right-of-way line of Lead Mine Road; thence southerly along the eastern right-of-way line of Lead Mine Road 783.22 feet ± to the point of beginning.

For further reference see the following annexation ordinances as filed in the Raleigh City Clerk's Office: Mine Valley (1976-256), Six Forks North (1977-621), Mine Valley-Yester Oaks (1982-822).

Section 2. It being understood and agreed that the developer will at his expense, construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the office of the Register of Deeds for Wake County, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective February 28, 1983.

Adopted: 2/15/83

RESOLUTION NO. (1983) 170

A RESOLUTION TO AUTHORIZE THE INCLUSION OF MINE VALLEY PUD IN CITY ELECTORAL DISTRICT A

WHEREAS, the City Council of the City of Raleigh did, by Ordinance No. (1983) 69 adopted February 15, 1983, annexed land being commonly known as Mine Valley PUD; and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District A is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the area known as Mine Valley PUD as described in Ordinance No. (1983) 69 be added to City Electoral District A.

Adopted: 2/15/83

PU 1982-24 - DELTA LAKE DRIVE AREA - HEARING - RESOLUTION ADOPTED.

This was a hearing to consider the installation of approximately 1,100 feet of 8-inch sanitary sewer main in an easement beginning at Delta Lake Drive and continuing north ward to Fire Station 18. The property is currently outside the City limits; however, when annexed, the property owners will be assessed according to the front footage of the property abutting the extension. Public Utilities Director explained the proposal. Mayor York opened the hearing. No one asked to be heard, thus the hearing was closed. Mr. Calloway MOVED ADOPTION OF A RESOLUTION DIRECTING PU 1982-24 AS OUTLINED. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 171

A RESOLUTION TO DIRECT THAT THE WATER AND SEWER SYSTEM OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFOR

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

(a) PU 1982-24 - Installation of approximately 1,100 feet of sanitary sewer main within a 20-foot easement beginning at Delta Lake Drive and continuing northward to Fire Station 18 on Pleasant Valley Road (property is currently outside City limits; however, when annexed, the property owners will be assessed according to front footage of property abutting the extension).

(b) PU 1982-25 - Installation of approximately 800 feet of 8-inch water main at Pleasant Valley Road, beginning 100 feet ± west of Commercial Drive, western 800 feet ± to Fire Station 18 (property is currently outside the City limits; however, when property is annexed, property owners will be assessed according to front footage of property abutting the extension).

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: Front footage of proerty abutting the extension.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 2/15/83

PU 1982-25 - WATER MAIN INSTALLATION IN PLEASANT VALLEY ROAD - HEARING - RESOLUTION ADOPTED

This was a hearing to consider the installation of approximately 800 feet of 8-inch water main in Pleasant Valley Road beginning 100 feet west of Commercial Drive, westward 800 feet to Fire Station 18. This property is currently outside of the City Limits; however, when the property is annexed, the property owners will be assessed according to the front footage of property abutting the extension. Public Utilities Director Butler explained the proposal. The hearing was open to the public, however no one asked to be heard. Mr. Walters MOVED ADOPTION OF A RESOLUTION DIRECTING PU 1982-25 AS OUTLINED. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 171.

PU 1982-29 - STREET CONSTRUCTION OF ATLANTIC AVENUE - HEARING - REFERRED TO THE PUBLIC WORKS COMMITTEE

This was a hearing to consider construction of Atlantic Avenue from the existing pavement, curb and gutter, south of the Beltline, northward to the existing pavement, curb and gutter at the south end of Winton Road and the installation of approximately 5,150 feet of 30-inch water main, generally, in the same location with assessment on a front footage basis to apply (PU 1982-29). Chief Engineer Thomas explained the proposal, indicating this would be a 46 foot street, as it goes under the Beltline with the rest of the street being constructed at 53 feet. The Mayor opened the hearing to the public.

Rod Swink, representing the Appearance Commission indicated the Commission is presently studying methods of landscaping appropriate for major entrance ways into the City. He stated that they are concerned that many entrance ways have had very little positive contribution from strip commercial or industrial development and in fact, some detract from the positive impression of our capital City which travellers of these corridors should received. He stated because of concentration of industrial and other non-residential zoning along the proposed Atlantic Avenue and Winton Road may become one of the most industrialized major thoroughfares leading into the central business district. Much of the traffic utilizing this corridor will be routed from Falls of Neuse Road, Downtown Boulevard and some from the northern section of Old Wake Forest Road. The traffic volumes along this five lane major thoroughfare are projected to be similar to that of Falls of Neuse Road. These factors make it a significant challenge to the City and development community to make this corridor one which will make a positive contribution to the character of the Capital City. He indicated there are several methods which should be explored to accomplish this as follows:

1. Extensive landscaping should be used wherever there is available right-of-way. Landscaping of every roadway should be viewed as an element in its initial design just as signage is presently viewed.

2. Additional strips of right-of-way to be used for planting should be purchased or planting easement should be incorporated along the roadway.

3. Existing landscaping and setback standards for non-residential zoning districts should be re-evaluated, especially the Industrial-II zoning which allows for construction with no setback to occur along the right-of-way.

4. Programs to encourage existing businesses and property owners along the thoroughfare to enhance the appearance of their land should be explored.

5. Whenever possible, planting medians should be incorporated into existing plans including some areas which might presently call for concrete or asphalt islands which could be used for planting.

He indicated that City appearance along major thoroughfares is of great importance to the citizens and businesses of Raleigh. He indicated many compliment the landscaping of the southern beltway and South Saunders Street intersection as having contributed greatly to the appearance and revitalization of this area, pointing out the State of North Carolina has set an example of the road which landscaping should play in roadway design. He stated the development of Atlantic Avenue offers an excellent opportunity to set an example of progressive planning by incorporating landscaping elements in both new and existing road projects. He asked that the Appearance Commission be advised of the extent to which those concerns are to be incorporated into the Atlantic Avenue thoroughfare.

Mr. Edwards indicated the Appearance Commission had made some good points on landscaping. He pointed out in this particular situation we have a road that is confined within certain widths and no medians are planned. Chief Engineer Thomas indicated at its widest section, this would be a 53 foot street on an 80 foot right-of-way. He stated on the shoulders there would be utility poles and lines and what we could do within the present right-of-way is fairly restrictive. Mr. Edwards indicated he saw nothing we could do except maybe putting grass, but pointed out he feels the Appearance Commission has bought some very good points up. Mr. Edwards moved approval of the construction of this part of Atlantic Avenue and the PU project as outlined and asked the Council to keep its eyes open as it relates to landscaping this and other streets. His motion was seconded by Mr. Calloway.

Attorney Charlie Fulton indicated that this alignment is somewhat different from the alignment as proposed by Highwoods. Discussion took place relative to the Highwoods proposal with Chief Engineer Thomas indicating he was aware of the Highwoods alignment. He stated he believed that the shift could be accommodated if the right-of-way is delicated. Mr. Andro Evans of Virginia Beach, Virginia indicated he is vaguely familiar with Highwoods proposed realignment. He stated they would be happy to work with Highwoods, but he does not know the impact of their proposed realignment on his property. Chief Engineer Thomas indicated the proposal presented by Highwoods would locate the streets some 300 feet north of the alignment as shown on the maps available at the meeting. He pointed out this is totally undeveloped property. Brief discussion took place as to whether the Council could approve a project and then it be shifted. Mr. Edwards and Mr. Calloway withdrew their motion and Mr. Edwards MOVED THAT THE STREET PROJECT FOR ATLANTIC AVENUE AND ASSOCIATED PUBLIC UTILITIES PROJECT BE REFERRED TO PUBLIC WORKS COMMITTEE. His motion was seconded by Mr. Calloway and resulted in all members voting in the affirmative. Mayor York indicated his company owns property in this area but the street and utilities are already in that section of Atlantic Avenue, therefore he has no conflict in this proposal. THE MAYOR RULED THE MOTION ADOPTED.

ASSESSMENT ROLL 981 - HEARING TO CONSIDER CORRECTION - CORRECTION ADOPTED

This was a hearing to consider correction of Water Assessment Roll 981 to the end that the assessment against Lot #8 in the amount of $2,162.90 will be in the name of James H. and Michael F. Bounds rather than Otha and Virginia Dunn. It has been found that the Bounds were the correct owners of the property at the time of the confirmation of the roll and the roll should be corrected accordingly. Mr. Walters MOVED ADOPTION OF THE CORRECTING RESOLUTION RELATING TO WATER ASSESSMENT ROLL 981. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 172

A RESOLUTION TO CORRECT WATER ASSESSMENT ROLL 981, LYNN ROAD

WHEREAS, by Resolution No. 1982-73, adopted 11-2-82, the City Council confirmed special Water Assessment Roll 981.

WHEREAS, on the map attached to said assessment roll Lot 8 was shown as being the property of Otha & Virginia Dunn.

WHEREAS, the City Council now finds Lot 8, was, at the time of confirmation of the assessment roll, the property of James H. & Michael F. Bounds, and that the assessment should be corrected accordingly, as permitted by GS-160A-228; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Water Assessment Roll 981 be and the same is hereby corrected, and the assessment against Lot 8 is made against James H. & Michael F. Bounds.

Section 2. That the Revenue Collector is authorized and directed to correct the tax records by making appropriate entries thereon.

Adopted: 2/15/83

James H. & Michael F. Bounds
1613 Millbrook Road
Raleigh, North CArolina

Amount: $2,162.90

COMMUNITY DEVELOPMENT APPLICATION - 1983-84 - HEARING - COMMENTS RECEIVED

This was a hearing to receive citizen's input in the 1983-84 Community Development application. Community Development Director Wray explained the Community Development Program, eligible activities, etc., pointing out we expect to receive approximately $1,830,000. He indicated he had given the citizens in the audience information on the Community Development program, what funds can be used for and in what areas, etc. He indicated this hearing is to get citizens comments, pointing out the comments will be received and to the extent possible incorporated into the application. He stated there will be a second hearing some time in the month of April on the actual application. The Mayor opened the hearing.

Mary Jo Littlewood representing Homemaker Home Health Aid indicated she has been before the Council many times in the past. She indicated last year they received $24,480 to provide in-home health care for people allowing them to stay in their homes. She indicated they have been receiving funding since 1975. She explained the

Homemaker Home Health Aid program and how it helps older people grow old in their home setting. She stated they serve about 25 people per week in the CD area. She told of different cases, and indicated they just would like to receive the same amount of funding in the coming year. She pointed out she knew that CD regulations indicate that 10% of the funds can be allocated for public service. She stated currently two public service organizations receive funds amounting to about $36,000. She stated they feel that they can help keep these people in their homes and happy at less cost than they could be institutionalized. She stated the average age of the people they serve is 80½ years of age. She stated they would look to have more money, but the $24,480 will go a long way in helping their program in the upcoming year. She asked that they be included in the upcoming budget at least at the same level.

Susie B. Perry, 1105 S. Person Street also spoke in support of the Homemaker Home Health Aid program, pointing out she knew several people who received this service. She indicated Community Development Director Wray had handed out information, pointing out their are 14 areas that CD money can be utilized for. She stated her concern is what is the City's priorities, or what are the priorities of the Community Development Administration. She questioned where they put their priorities, is it 1, 14 or 5 as listed on the information provided by Mr. Wray. She went through the list indicating one item is the completion of Urban Renewal. She stated she thought we were calling this redevelopment. She stated she hopes it will be a priority for Community Development to come in South Park and do what was promised to be done in that area. She stated there is always a question about administrative cost and what we can do to reduce the administrative cost. She stated as far as economic development is concerned, she does not know where that is going, but she has a good idea. She indicated there is information about grants to local people for economic development and questioned what the criterial for that group would be and how would one apply to get money for their organization from that group. She stated she just really wanted to know the order of priorities of the programs as outlined in the handout.

John T. Greene, 802 South East Street, indicated one of their major concerns is the South Park plan and when it will be completed. He questioned if funding will be at the level to carry out the South Park program that was to be done in 83/84, pointing out if it is not, then it will put the 85 plan off even further. He stated without proper funding, they are afraid that the South Park Plan will be in jeopardy and called for all the programs that was suppose to be carried out in South Park in 83/84 and not re-allocate that money to some other area. He also endorsed the two social programs - Meals-on-Wheels and Homemaker Home Health Aid.

Ralph Campbell, Sr., President of Raleigh Wake Association indicated last year we talked about selecting a target area, and as he understand it, we spent over $200,000 in that area last year out of over a $1,000,000. He questioned why funds have not been spent at a faster rate in that concentrated area. He indicated if we are going to have a concentrated area, we should concentrate on it. He stated people of that area need housing and that is where Community Development should be focused. He stated he feels we should complete that area and make housing in that area a priority. He stated the area he does have concern about is grants for certain economic development corporation and grants for certain nonprofit groups. He stated unless we complete the plans for the redevelopment areas, he does not feel we should take money or talk about doing anything else. He stated these groups who have been given money for economic development and haven't spent a cent, that the Council should take that money and use it in an area or spend it where housing is needed. He stated the concentrated area needs a lot of work. He called on the City to work in the concentrated or targeted area and make it a model. He stated you can see that other cities have taken areas and made them a model. He indicated some in staff needs to come up with new innovative ideas on housing and not take seven years to do it and called on the Council to put all of the priority into housing for the people. He stated as usual, administrative cost is a serious concern as it constantly eats away the money with nothing getting done.

Julie Sigmon a realtor, questioned if this money can be used for group housing, temporary shelters or boarding homes. She questioned it this money could be used to help people who can't get ahead such as retarded people, handicapped people, etc. She questioned the possibility of providing housing in the duplex type situation with the owner living in the one-side and renting out the other side to help them meet their needs so that they will not have to come back to the City for more funds.

No one else asked to be heard, thus the hearing was closed and the comments referred to the Community Development Department for consideration in the application.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:35 p.m.

Gail G. Smith
City Clerk

jt/CCSIX